

**Scott D. Sandall** proposes the following substitute bill:

## Occupational and Professional Licensing Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: A. Cory Maloy

## LONG TITLE

### **General Description:**

This bill modifies Title 58, Occupations and Professions.

## **Highlighted Provisions:**

This bill:

- removes pronouns;
- updates language to remove archaic terminology;
- corrects typographical errors;
- creates a legacy cosmetology/barbering license; and
- makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

This bill provides a special effective date.

## Utah Code Sections Affected:

## AMENDS:

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

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

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

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

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

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

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

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

**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32       **58-11a-302 (Effective 07/01/26)**, as repealed and reenacted by Laws of Utah 2025,  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-302.5 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Sixth Special  
35       Session, Chapter 5  
36       **58-11a-302.13 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491  
37       **58-11a-302.21 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491  
38       **58-11a-302.23 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491  
39       **58-11a-302.24 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491  
40       **58-11a-302.25 (Effective 07/01/26)**, as enacted by Laws of Utah 2025, Chapter 491  
41       **58-13-5 (Effective 07/01/26) (Repealed 07/01/26)**, as last amended by Laws of Utah  
42       2023, Chapter 328  
43       **58-15-101 (Effective 07/01/26) (Repealed 07/01/35)**, as renumbered and amended by  
44       Laws of Utah 2022, Chapter 415  
45       **58-16a-305 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 256  
46       **58-16a-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 25  
47       **58-16a-801 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 256  
48       **58-17b-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2010, Chapter 287  
49       **58-17b-306 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443  
50       **58-17b-308 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339  
51       **58-17b-309 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328  
52       **58-17b-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328  
53       **58-17b-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapters 273,  
54       317, 321, and 328  
55       **58-17b-606 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 328  
56       **58-17b-607 (Effective 07/01/26)**, as enacted by Laws of Utah 2004, Chapter 280  
57       **58-17b-615 (Effective 07/01/26)**, as enacted by Laws of Utah 2004, Chapter 280  
58       **58-22-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 400  
59       **58-24b-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 507  
60       **58-26a-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 283  
61       **58-31b-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapters 277,  
62       415

63       **58-31b-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2005, Chapter 50  
64       **58-37-2 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 396  
65       **58-37-10 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278  
66       **58-37c-8 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapters 262, 413  
67       **58-37c-17 (Effective 07/01/26)**, as last amended by Laws of Utah 2013, Chapter 278  
68       **58-37f-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 214  
69       **58-37f-303 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 340  
70       **58-37f-304 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 507  
71       **58-37f-402 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 318  
72       **58-37f-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 329  
73       **58-37f-703 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 415  
74       **58-40a-305 (Effective 07/01/26)**, as enacted by Laws of Utah 2006, Chapter 206  
75       **58-49-4 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 249  
76       **58-60-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 367  
77       **58-60-102.5 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420  
78       **58-60-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404  
79       **58-60-117 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339  
80       **58-60-207 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420  
81       **58-60-405 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443  
82       **58-60-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420  
83       **58-60-506 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapters 213,  
84       443  
85       **58-60-508 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 393  
86       **58-60-601 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 420  
87       **58-61-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 420  
88       **58-61-301 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 228,  
89       420  
90       **58-61-307 (Effective 07/01/26)**, as last amended by Laws of Utah 2018, Chapter 415  
91       **58-61-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 404  
92       **58-61-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339  
93       **58-63-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443  
94       **58-64-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443  
95       **58-67-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392  
96       **58-68-802 (Effective 07/01/26)**, as enacted by Laws of Utah 1996, Chapter 248

97       **58-69-502 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 25  
98       **58-70a-503 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 392  
99       **58-72-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339  
100       **58-73-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 240  
101       **58-73-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 443  
102       **58-73-401 (Effective 07/01/26)**, as last amended by Laws of Utah 2011, Chapter 366  
103       **58-73-501 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 415  
104       **58-73-601 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 269  
105       **58-74-302 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 198  
106       **58-76-603 (Effective 07/01/26)**, as enacted by Laws of Utah 2002, Chapter 218  
107       **58-81-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2014, Chapter 49  
108       **58-87-202 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2017,  
109       Chapter 225  
110       **58-87-203 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2017,  
111       Chapter 225  
112       **58-88-201 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 276  
113       **58-88-204 (Effective 07/01/26)**, as enacted by Laws of Utah 2022, Chapter 353

114 ENACTS:

115       **58-11a-302.26 (Effective 07/01/26)**, Utah Code Annotated 1953

116 REPEALS:

117       **58-49-5 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 339  
118       **58-49-6 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 249  
119       **58-60-511 (Effective 07/01/26)**, as last amended by Laws of Utah 2012, Chapter 179

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

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

123       **58-1-102 (Effective 07/01/26). Definitions.**

124       As used in this title:

125 (1)(a) "Ablative procedure" means the same as that term is defined in Section 58-67-102.  
126           (b) "Ablative procedure" does not include laser tattoo removal.  
127 (2) "Cosmetic medical procedure":  
128           (a) means the same as that term is defined in Section 58-67-102; and  
129           (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic  
130           Medical Practice Act, does not apply to the scope of practice of an individual

131       licensed under this title if the individual's scope of practice includes the authority to  
132       operate or perform surgical procedures.

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

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

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

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

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

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

140       (9) "License" includes any license, certificate, registration, or permit authorized in  
141       accordance with this title.

142       [~~(9)~~] (10) "Licensee" includes any holder of a license, certificate, registration, permit,  
143       student card, or apprentice card authorized [~~under~~] in accordance with this title.

144       [~~(10)~~] (11)(a)(i) "Nonablative procedure" means a procedure that is expected or  
145       intended to alter living tissue, but not intended or expected to excise, vaporize,  
146       disintegrate, or remove living tissue.

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

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

150               (i) a superficial procedure;

151               (ii) the application of permanent make-up;

152               (iii) laser tattoo removal; or

153               (iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
154               performed by an individual licensed under this title who is acting within their  
155               scope of practice.

156       [~~(11)~~] (12) "Pain clinic" means:

157               (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or

158               (b) a clinic in which greater than 50% of the clinic's annual patient population receive  
159               treatment primarily for non-terminal chronic pain using Schedule II-III controlled  
160               substances.

161       [~~(12)~~] (13) "Superficial procedure" means a procedure that is expected or intended to  
162       temporarily alter living skin tissue and may excise or remove stratum corneum but have  
163       no appreciable risk of damage to any tissue below the stratum corneum.

164       [~~(13)~~] (14) "Telemedicine service" means the same as that term is defined in Section

165 26B-4-704.

166 [(14)] (15) "Unlawful conduct" means the same as that term is defined in Subsection  
167 58-1-501(1).

168 [(15)] (16) "Unprofessional conduct" means the same as that term is defined in Subsection  
169 58-1-501(2).

170 Section 58-1-108 is amended to read:

171 **58-1-108 (Effective 07/01/26). Adjudicative proceedings.**

172 (1) The division and [all]boards created [under] in accordance with this title, including the  
173 members of a board designated under Subsection 58-1-109(3), shall comply with the  
174 procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title  
175 63G, Chapter 4, Administrative Procedures Act, in all of their adjudicative proceedings  
176 as defined by Subsection 63G-4-103(1).

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

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

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

186 **58-1-301.5 (Effective 07/01/26). Division access to Bureau of Criminal  
187 Identification records -- Criminal background check requirement.**

188 (1) As used in this section, "applicant" means an individual applying for licensure or  
189 certification, or with respect to a license or certification, applying for renewal,  
190 reinstatement, or relicensure or recertification, as required in:

191 (a) Section 58-5a-302;  
192 (b) Section 58-16a-302;  
193 (c) Section 58-17b-303;  
194 (d) Section 58-17b-304;  
195 (e) Section 58-17b-305;  
196 (f) Section 58-17b-306;  
197 (g) Section 58-24b-302;  
198 (h) Section 58-31b-302;

199 (i) Section 58-42a-302;  
200 (j) Section 58-44a-302;  
201 (k) Section 58-47b-302;  
202 (l) Section 58-55-302;  
203 (m) Section 58-47b-302.2;  
204 (n) Section 58-49-4;  
205 [(n)] (o) Section 58-60-205;  
206 [(o)] (p) Section 58-60-305;  
207 [(p)] (q) Section 58-60-405;  
208 [(q)] (r) Section 58-60-506;  
209 [(r)] (s) Section 58-61-304;  
210 [(s)] (t) Section 58-63-302;  
211 [(t)] (u) Section 58-64-302;  
212 [(u)] (v) Section 58-67-302;  
213 [(v)] (w) Section 58-68-302;  
214 [(w)] (x) Section 58-69-302;  
215 [(x)] (y) Section 58-70a-302;  
216 [(y)] (z) Section 58-70b-302;  
217 [(z)] (aa) Section 58-71-302; [or]  
218 [(aa)] (bb) Section 58-73-302[.] ; or  
219 (cc) Section 58-89-104.

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

233 this section.

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

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

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

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

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

243 (A) the fee that the Bureau of Criminal Identification is authorized to collect for  
244 the services provided under Section 53-10-108; and

245 (B) the fee [echarged by]the Federal Bureau of Investigation charges for  
246 fingerprint processing for the purpose of obtaining federal criminal history  
247 record information;

248 (ii) submit from each applicant the fingerprints and the fees described in Subsection  
249 (6)(a)(i) to the Bureau of Criminal Identification; and

250 (iii) obtain and retain in division records a signed waiver [approved by]the Bureau of  
251 Criminal Identification approves in accordance with Section 53-10-108 for each  
252 applicant.

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

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

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

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

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

263 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
264 criminal background check required under this section demonstrates, after the  
265 applicant is licensed or registered, that the applicant failed to accurately disclose a  
266 criminal history, the division may provide notice to the applicant that the license

267 or registration is immediately and automatically revoked.

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

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

276 (ii) A registered massage establishment for which the registration has been revoked  
277 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the  
278 revocation.

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

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

282 **58-1-302 (Effective 07/01/26). License by endorsement.**

283 (1) As used in this section:

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

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

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

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

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

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

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

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

300 (i)(A) the division determines that the applicant's education, credentialing

301 examination, experience, and skills demonstrate competency in the profession  
302 for which the licensure is sought in this state; and

303 (B) the applicant has at least one year of experience practicing under the license  
304 issued in the other state, district, territory, or jurisdiction; or

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

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

310 (i) the applicant was educated in or obtained relevant experience in a state, district, or  
311 territory of the United States, or a jurisdiction outside of the United States; and

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

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

316 (a) the division determines that there is reasonable cause to believe that the applicant is  
317 not qualified to receive the license in this state; or

318 (b) the applicant has a previous or pending disciplinary action related to the applicant's  
319 license.

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

321 (a) pay a fee [determined by the department under] the department determines in  
322 accordance with Section 63J-1-504; and

323 (b) produce satisfactory evidence of the applicant's identity, qualifications, and good  
324 standing in the profession for which licensure is sought in this state.

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

328 (i) the applicant is eligible for a license under this title because the applicant's  
329 education, credentialing examination, or experience obtained in the other  
330 jurisdiction is substantially similar to the education, credentialing examination, or  
331 experience requirements for the license; or

332 (ii) in light of the applicant's education or experience obtained in the other  
333 jurisdiction, the applicant's education or experience would be substantially similar  
334 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;
- (ii) the employer attests to the division that the applicant will work under the [direct supervision] level of supervision the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, of an individual who:
  - (A) holds a license in good standing of the same classification as the limited supervised training permit; and
  - (B) has held the license for a minimum period of time [defined by] the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (iii)(A) the division needs additional time to make a determination under Subsection (6)(a)(i); or
- (B) the division determines under Subsection (6)(a)(ii) that additional education or experience would make the applicant's education or experience substantially similar to the education or experience requirements for a license under this title, the applicant wishes to pursue the education or experience, and the division [establishes] makes a deadline for the applicant to complete the additional education or experience;
- (iv) the applicant pays a fee [determined by the department under] the department determines in accordance with Section 63J-1-504;
- (v) the applicant meets the minimum professional standards to work in a supervised environment that the division, in consultation with the applicable board, establishes for the applicable profession;
- (vi) the applicant submits to a background check, if required for the license for which the applicant applied; and
- (vii) the applicant meets with the applicable board, if requested, to evaluate the applicant's qualifications.

(c)(i) A limited supervised training permit issued under this Subsection (6) expires:

- (A) on the deadline that the division [establishes] makes for the applicant to complete the additional education or experience described in Subsection (6)(b)(iii)(B); or

369 (B) upon the division's grant or denial of the applicant's application for licensure  
370 by endorsement.

371 (ii) The division may not renew or otherwise extend a limited supervised training  
372 permit unless:

373 (A) a circumstance or hardship arose beyond the limited supervised training  
374 permit holder's control that prevented the limited supervised training permit  
375 holder from completing the licensure process;

376 (B) the limited supervised training permit holder presents satisfactory evidence to  
377 the division that the limited supervised training permit holder is making  
378 reasonable progress toward obtaining licensure in the state;

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

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

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

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

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

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

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

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

400 (c) documentation of each instance in which the applicable board disagreed with the  
401 division's determination that an applicant's education, credentialing examination,  
402 experience, or skills from another jurisdiction were substantially similar to the

403 education, credentialing examination, experience, or skills required for the license  
404 sought under this section.

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

406 **58-1-310 (Effective 07/01/26). Application for division determination regarding**  
407 **criminal conviction.**

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

413 (2) To receive a determination, the individual shall submit the application described in this  
414 section in a form [prescribed by the division] the division approves and shall include  
415 information regarding:

416 (a) the individual's complete criminal conviction history;

417 (b) what occupational or professional license the individual is interested in seeking;

418 (c) what licensing requirements [have been met by the individual] the individual meets;

419 (d) what licensing requirements [have not yet been met by the individual] the individual  
420 has not met; and

421 (e) any other information [required by the division as established by division rule made]  
422 the division requires by rule the division makes in accordance with Title 63G,  
423 Chapter 3, Utah Administrative Rulemaking Act.

424 (3) The division may charge the individual a fee, established in accordance with Section  
425 63J-1-504, to submit an application under this section.

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

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

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

438       **58-1-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary**  
439       **proceedings -- Time limitations -- Sanctions.**

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

443       (2) The division may refuse to issue a license to an applicant and may refuse to renew or  
444       may revoke, suspend, restrict, place on probation, issue a public reprimand to, or  
445       otherwise act upon the license of a licensee for the following reasons:

446       (a) subject to the provisions of Subsection (7), the applicant or licensee [has engaged]  
447       engages in unprofessional conduct, as [defined by] statute or rule under this title  
448       defines;

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

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

454       (d) subject to Subsections 58-31b-401(7), 58-60-108(2), 58-61-401(2), 58-67-401(2),  
455       58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is  
456       unable to practice the occupation or profession with reasonable skill and safety  
457       because of [illness, drunkenness, excessive use of drugs, narcotics, chemicals, or  
458       other type of material, or as a result of a mental or physical condition] a mental or  
459       physical illness or condition, or engagement in any of the behaviors listed in  
460       Subsection 58-1-501(2)(a)(v), when the condition demonstrates a threat or potential  
461       threat to the public health, safety, or welfare.

462       (3) [A licensee whose license to practice an occupation or profession regulated by this title  
463       has been suspended, revoked, placed on probation, or restricted may apply for  
464       reinstatement of the license at reasonable intervals and upon compliance with conditions  
465       imposed upon the licensee by statute, rule, or terms of the license suspension,  
466       revocation, probation, or restriction] A licensee with a license that has been suspended,  
467       revoked, placed on probation, or restricted, may apply for reinstatement of the license at  
468       reasonable intervals when the licensee complies with the conditions that statute, rule, or  
469       the terms of the suspension, revocation, probation, or restriction impose.

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

- 471 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);
- 472 (b) a person [who] that engages in or represents that the person is engaged in an
- 473 occupation or profession regulated under this title; and
- 474 (c) a person [who] that otherwise violates this title or a rule adopted under this title.
- 475 (5) The division may impose an administrative penalty in accordance with Section 58-1-502.
- 476 (6)(a) The division may not take disciplinary action against a person for unprofessional
- 477 or unlawful conduct under this title, unless the division enters into a stipulated
- 478 agreement or initiates an adjudicative proceeding regarding the conduct within four
- 479 years after the conduct is reported to the division, except under Subsection (6)(b).
- 480 (b)(i) The division may not take disciplinary action against a person for
- 481 unprofessional or unlawful conduct more than 10 years after the occurrence of the
- 482 conduct, unless the proceeding is in response to a civil or criminal judgment or
- 483 settlement and the proceeding is initiated within one year following the judgment
- 484 or settlement.
- 485 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license
- 486 due to unprofessional or unlawful conduct that occurred more than 10 years before
- 487 a request or application for licensure is made.
- 488 (7) When the division is determining whether to refuse to issue a license to an applicant, or
- 489 to refuse to renew the license of a licensee, based solely on the criminal conviction of an
- 490 applicant or licensee, the division shall:
- 491 (a) provide individualized consideration to the applicant or licensee;
- 492 (b) determine whether the criminal conviction bears a substantial relationship to the
- 493 applicant's or licensee's ability to safely or competently practice the occupation or
- 494 profession; and
- 495 (c) consider the applicant's or licensee's current circumstances, which may include any
- 496 of the following:
  - 497 (i) the age of the applicant or licensee when the applicant or licensee committed the
  - 498 offense;
  - 499 (ii) the time that has elapsed since the applicant or licensee committed the offense;
  - 500 (iii) whether the applicant or licensee has completed the applicant's or licensee's
  - 501 criminal sentence;
  - 502 (iv) whether the applicant has completed or is actively participating in rehabilitative
  - 503 drug or alcohol treatment;
  - 504 (v) any testimonials or recommendations from other individuals [provided by] that

505 the applicant or licensee, including a progress report from the applicant's or  
506 licensee's probation or parole officer, provides;  
507 (vi) other evidence of rehabilitation [~~provided by~~] the applicant or licensee provides;  
508 (vii) the education and training of the applicant or licensee;  
509 (viii) the employment history of the applicant or licensee; and  
510 (ix) other relevant information [~~provided by~~] the applicant or licensee provides.

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

512 **58-1-501 (Effective 07/01/26). Unlawful and unprofessional conduct.**

513 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under  
514 this title and includes[:]when the person:  
515 (a) [~~practicing or engaging in, representing oneself to be practicing or engaging in, or~~  
516 ~~attempting] practices or engages in, represents oneself to be practicing or engaging in,~~  
517 ~~or attempts to practice or engage in any profession requiring licensure under this title,~~  
518 ~~except the behavioral health technician under Chapter 60, Part 6, Behavioral Health~~  
519 ~~Coach and Technician Licensing Act, if the person is:~~  
520 (i) not licensed to do so or not exempted from licensure under this title; or  
521 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,  
522 probationary, or inactive license;  
523 (b)(i) [~~impersonating~~] impersonates another licensee or practicing a profession under  
524 a false or assumed name, except as permitted by law; or  
525 (ii) for a licensee who has had a license under this title reinstated following  
526 disciplinary action, practicing the same profession using a different name than the  
527 name used before the disciplinary action, except as permitted by law and after  
528 notice to, and approval by, the division;  
529 (c) knowingly [~~employing~~] employs any other person to practice or engage in or attempt  
530 to practice or engage in any profession licensed under this title if the employee is not  
531 licensed to do so under this title;  
532 (d) knowingly [~~permitting~~] permits the person's authority to practice or engage in any  
533 profession licensed under this title to be used by another, except as permitted by law;  
534 (e) [~~obtaining~~] obtains a passing score on a licensure examination, applying for or  
535 obtaining a license, or otherwise dealing with the division or a licensing board  
536 through the use of fraud, forgery, or intentional deception, misrepresentation,  
537 misstatement, or omission;  
538 (f)(i) [~~issuing, or aiding and abetting~~] issues, or engages in aiding and abetting in the

539 issuance of, an order or prescription for a drug or device to a person located in this  
540 state:

541 (A) without prescriptive authority conferred by a license issued under this title, or  
542 by an exemption to licensure under this title; or  
543 (B) with prescriptive authority conferred by an exception issued under this title or  
544 a multistate practice privilege recognized under this title, if the prescription  
545 was issued without first obtaining information, in the usual course of  
546 professional practice, that is sufficient to establish a diagnosis, to identify  
547 underlying conditions, and to identify contraindications to the proposed  
548 treatment; and  
549 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call  
550 or cross coverage situation, provided that the person ~~[who-]~~ that issues the  
551 prescription has prescriptive authority conferred by a license under this title, or is  
552 exempt from licensure under this title; or  
553 (g) ~~[aiding or abetting]~~ engages in aiding or abetting any other person to violate any  
554 statute, rule, or order regulating a profession under this title.

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

558 (i) ~~[violating-]~~ violates any statute, rule, or order regulating ~~[an-]~~ a profession under  
559 this title;  
560 (ii) ~~[violating, or aiding or abetting]~~ violates or engages in aiding or abetting any  
561 other person to violate, any generally accepted professional or ethical standard  
562 applicable to an occupation or profession regulated under this title;  
563 (iii) subject to the provisions of Subsection (4), ~~[engaging]~~ engages in conduct that  
564 results in conviction, a plea of nolo contendere, or a plea of guilty or nolo  
565 contendere that is held in abeyance pending the successful completion of  
566 probation with respect to a crime that, when considered with the functions and  
567 duties of the profession for which the license was issued or is to be issued, bears a  
568 substantial relationship to the licensee's or applicant's ability to safely or  
569 competently practice the profession;  
570 (iv) ~~[engaging-]~~ engages in conduct that results in disciplinary action, including  
571 reprimand, censure, diversion, probation, suspension, or revocation, by any other  
572 licensing or regulatory authority having jurisdiction over the licensee or applicant

in [the same] any profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;

- (v) [engaging] engages in conduct, including the use of intoxicants, drugs, narcotics, 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) [acting] acts as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;
- [(xiii)] (xiv) [issuing, or aiding and abetting] issues, or engages in aiding and abetting in the issuance of, an order or prescription for a drug or device:
  - (A) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed treatment; or
  - (B) with prescriptive authority conferred by an exception issued under this title, or

607 a multi-state practice privilege recognized under this title, if the prescription  
608 was issued without first obtaining information, in the usual course of  
609 professional practice, that is sufficient to establish a diagnosis, to identify  
610 underlying conditions, and to identify contraindications to the proposed  
611 treatment;

612 [~~(xiv)~~] (xv) ~~[violating]~~ violates a provision of Section 58-1-501.5;  
613 [~~(xv)~~] (xvi) ~~[violating]~~ violates the terms of an order governing a license; or  
614 [~~(xvi)~~] (xvii) ~~[violating]~~ violates Section 58-1-511.

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

616 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under  
617 this title, deviating from medical norms or established practices if the conditions  
618 described in Subsection (5) are met; and  
619 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the  
620 health care provider deviates from medical norms or established practices,  
621 including the maladies the health care provider treats, if the health care provider:  
622 (A) does not guarantee any results regarding any health care service;  
623 (B) fully discloses on the health care provider's website that the health care  
624 provider deviates from medical norms or established practices with a  
625 conspicuous statement; and  
626 (C) includes the health care provider's contact information on the website.

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

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

633 (a) an arrest not followed by a conviction; or  
634 (b) a conviction for which an individual's incarceration has ended more than five years  
635 before the date of the division's consideration, unless:  
636 (i) after the incarceration the individual has engaged in additional conduct that results  
637 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo  
638 contendere that is held in abeyance pending the successful completion of  
639 probation; or  
640 (ii) the conviction was for:

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

642 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,

643 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;

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

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

646 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm

647 Utah patients or consumers, as [may be determined by] the director may

648 determine in a process [defined by rule made] the division defines by rule the

649 division makes in accordance with Title 63G, Chapter 3, Utah Administrative

650 Rulemaking Act.

651 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from

652 medical norms or established practices if:

653 (a) the health care provider does not deviate outside of the health care provider's scope

654 of practice and possesses the education, training, and experience to competently and

655 safely administer the alternative health care service;

656 (b) the health care provider does not provide an alternative health care service that is

657 otherwise contrary to any state or federal law;

658 (c) the alternative health care service has reasonable potential to be of benefit to the

659 patient to whom the alternative health care service is to be given;

660 (d) the potential benefit of the alternative health care service outweighs the known

661 harms or side effects of the alternative health care service;

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

663 circumstances;

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

665 (i) the health care provider educates the patient on the health care services that are

666 within the medical norms and established practices;

667 (ii) the health care provider discloses to the patient that the health care provider is

668 recommending an alternative health care service that deviates from medical norms

669 and established practices;

670 (iii) the health care provider discusses the rationale for deviating from medical norms

671 and established practices with the patient;

672 (iv) the health care provider discloses any potential risks associated with deviation

673 from medical norms and established practices; and

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

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

678 (6) As used in this section, "notice of deviation" means a written notice [provided by] a  
679 health care provider provides to a patient that:  
680 (a) is specific to the patient;  
681 (b) indicates that the health care provider is deviating from medical norms or established  
682 practices in the health care provider's recommendation for the patient's treatment;  
683 (c) describes how the alternative health care service deviates from medical norms or  
684 established practices;  
685 (d) describes the potential risks and benefits associated with the alternative health care  
686 service;  
687 (e) describes the health care provider's reasonably justified rationale regarding the  
688 reason for the deviation; and  
689 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to  
690 receive the alternative health care service which is outside medical norms and  
691 established practices.

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

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

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

709 (b)(i) The division may assess a fine under this Subsection (2) against a person who  
710 violates Subsection 58-1-501(1)(a), (1)(c), (1)(g), or [~~(2)(a)(xv)(2)(a)(xvi), or a  
711 rule or order issued with respect to those subsections, as evidenced by:  
712 (A) an uncontested citation;  
713 (B) a stipulated settlement; or  
714 (C) a finding of a violation in an adjudicative proceeding.~~

715 (ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i),  
716 order the person to cease and desist from violating Subsection 58-1-501(1)(a),  
717 (1)(c), (1)(g), or [~~(2)(a)(xv)~~ (2)(a)(xvi), or a rule or order issued with respect to  
718 those subsections.

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

721 (d) A citation shall:  
722 (i) be in writing;  
723 (ii) describe with particularity the nature of the violation, including a reference to the  
724 provision of the chapter, rule, or order alleged to have been violated;  
725 (iii) clearly state that the recipient must notify the division in writing within 20  
726 calendar days of service of the citation if the recipient wishes to contest the  
727 citation at a hearing conducted under Title 63G, Chapter 4, Administrative  
728 Procedures Act; and  
729 (iv) clearly explain the consequences of failure to timely contest the citation or to  
730 make payment of a fine assessed by the citation within the time specified in the  
731 citation.

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

733 (f)(i) If within 20 calendar days from the service of the citation, the person to whom  
734 the citation was issued fails to request a hearing to contest the citation, the citation  
735 becomes the final order of the division and is not subject to further agency review.  
736 (ii) The period to contest a citation may be extended by the division for cause.

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

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

742 (i) Subject to the time limitations described in Subsection 58-1-401(6), the division may

743 not issue a citation under this section after the expiration of one year following the  
744 date on which the violation that is the subject of the citation is reported to the  
745 division.

746 (j) The director or the director's designee shall assess fines according to the following:  
747 (i) for the first offense handled [pursuant to] in accordance with Subsection (2)(a), a  
748 fine of up to \$1,000;  
749 (ii) for a second offense handled [pursuant to] in accordance with Subsection (2)(a), a  
750 fine of up to \$2,000; and  
751 (iii) for each subsequent offense handled [pursuant to] in accordance with Subsection  
752 (2)(a), a fine of up to \$2,000 for each day of continued offense.

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

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

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

769 **58-3a-304 (Effective 07/01/26). Exemptions from licensure.**

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

777 (A) is not licensed in the state;

778 (B) may not provide architectural services in the state until the architect is

779 licensed in the state; and

780 (C) that such condition may cause a delay in the ability of the architect to provide

781 architectural services in the state;

782 (iii) notifies the division in writing of [his-] the person's intent to offer to render

783 architectural services in the state; and

784 (iv) does not provide architectural services or engage in the practice of architecture in

785 this state until licensed to do so;

786 (b) a person preparing a plan and specification for one or two-family dwellings,

787 including townhouses;

788 (c) a person licensed to practice professional engineering under Title 58, Chapter 22,

789 Professional Engineers and Professional Land Surveyors Licensing Act, performing

790 engineering or incidental architectural acts or practices that do not exceed the scope

791 of the education and training of the person performing architecture;

792 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed

793 under this chapter while preparing plans and specifications under the supervision of

794 an architect;

795 (e) a person preparing a plan or specification for, or supervising the alteration of or

796 repair to, an existing building affecting an area not exceeding 3,000 square feet when

797 structural elements of a building are not changed, such as foundations, beams,

798 columns, and structural slabs, joists, bearing walls, and trusses; and

799 (f) an organization engaged in the practice of architecture, provided that:

800 (i) the organization employs a principal; and

801 (ii) all individuals [employed by] the organization employs, who are engaged in the

802 practice of architecture, are licensed or exempt from licensure under this chapter.

803 (2) Nothing in this section shall be construed to restrict a person from preparing plans for a

804 client under the exemption provided in Subsection (1)(b) or taking those plans to a

805 licensed architect for review, approval, and subsequent fixing of the architect's seal to

806 that set of plans.

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

808 **58-4a-105 (Effective 07/01/26). Program contract.**

809 (1) A licensee may enter into a program contract:

810 (a) any time before the conclusion of a hearing under Section 63G-4-206; and

811 (b) if the licensee who enters into the program contract has a substance use disorder or  
812 the division has referred the licensee for diagnostic monitoring.

813 (2) A licensee may enter into a program contract to replace a diversion agreement the  
814 licensee previously entered into with the department.

815 (3) [A licensee who does not have a substance use disorder may not enter into a program  
816 contract with the division] A licensee may not enter into a program contract with the  
817 division unless the licensee has a substance use disorder or the division has referred the  
818 licensee for diagnostic monitoring.

819 (4) The committees described in Section 58-4a-104 may assist the division in evaluating or  
820 verifying documentation showing completion of or compliance with a program contract.

821 (5) [A decision by the program not to permit a licensee to participate in the program is not  
822 subject to appeal, agency review, or judicial review] A decision by the program denying  
823 a licensee participation in the program is final and not subject to appeal, agency review,  
824 or judicial review.

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

826 **58-4a-107 (Effective 07/01/26). Violation of a program contract -- Adjudicative**  
827 **proceedings -- Penalties.**

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

829 (a) violates any term or condition of the program contract or diversion agreement;  
830 (b) makes an intentional, material misrepresentation of fact in the program contract or  
831 diversion agreement; or  
832 (c) violates any rule or law governing the licensee's profession.

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

834 [(a) describe the alleged misconduct;]  
835 [(b) set a time and place for a hearing to determine whether the licensee's program  
836 contract should be terminated; and]  
837 [(c) contain all of the information required by a notice of agency action in Subsection  
838 63G-4-201(2).]

839 [(3)] (2) Proceedings to terminate a program contract shall comply with Title 63G, Chapter  
840 4, Administrative Procedures Act[, except the notice of agency action shall be in the  
841 form of the order to show cause described in Subsection (2)].

842 [(4)] (3) During a proceeding to terminate a program contract, the licensee, the licensee's  
843 legal representative, and the division shall have access to information contained in the  
844 division's program file as permitted by law.

845 [§5] (4) The director shall terminate the program contract and place the licensee on  
846 probation in accordance with rules made by the division in accordance with Title 63G,  
847 Chapter 3, Utah Administrative Rulemaking Act if, during the administrative  
848 proceedings described in Subsection [§3] (2), the presiding officer finds that the licensee  
849 has:

850 (a) violated the program contract;  
851 (b) made an intentional material misrepresentation of fact in the program contract; or  
852 (c) violated a law or rule governing the licensee's profession.

853 [§6] (5) If, during the proceedings described in Subsection [§3] (2), the presiding officer  
854 finds that the licensee has engaged in especially egregious misconduct, the director may  
855 revoke the licensee's license or take other appropriate disciplinary action.

856 [§7] (6) A licensee who is terminated from the program may have disciplinary action taken  
857 under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,  
858 during, or after the licensee's participation in the program.

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

860 **58-5a-306 (Effective 07/01/26). Exemptions from licensure.**

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

863 (1) a podiatric physician serving in the armed forces of the United States, the United States  
864 Public Health Service, the United States Department of Veterans Affairs, or other  
865 federal agencies while engaged in activities regulated under this chapter as a part of [his]  
866 the podiatric physician's employment with that federal agency if the [individual]  
867 podiatric physician holds a valid license to practice podiatry [issued by] that any other  
868 state or jurisdiction [recognized by the division] the division recognizes issues;  
869 (2) a student engaged in activities that constitute the practice of podiatry while in training in  
870 a recognized school [approved by the division] the division approves to the extent the  
871 activities are under the supervision of qualified faculty or staff and the activities are a  
872 defined part of the training program;  
873 (3) [a person] an individual engaged in an internship, residency, preceptorship,  
874 postceptorship, fellowship, apprenticeship, or on-the-job training program [approved by  
875 the division] the division approves while under the supervision of qualified persons;  
876 (4) [a person] an individual residing in another state and licensed to practice podiatry there,  
877 who is called in for a consultation by [a person] an individual licensed in this state and  
878 services provided are limited to that consultation or who is invited by a recognized

879 school, association, society, or other body ~~[approved by the division]~~ the division  
880 approves to conduct a lecture, clinic, or demonstration of the practice of podiatry so long  
881 as that individual does not establish a place of business or regularly engage in the  
882 practice of podiatry in the state;

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

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

889 (7) a medical assistant working under the indirect supervision of a licensed podiatric  
890 physician, if the medical assistant:  
891 (a) engages only in tasks appropriately ~~[delegated by]~~ that the licensed podiatric  
892 physician delegates in accordance with the standards and ethics of the practice of  
893 podiatry, and consistent with this chapter;

894 (b) does not perform surgical procedures;

895 (c) does not prescribe prescription medications;

896 (d) does not administer anesthesia, except for a local anesthetic; and

897 (e) does not engage in other practices or procedures defined by the division by rule made  
898 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
899 in collaboration with the board.

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

901 **58-11a-302 (Effective 07/01/26). General qualifications for licensure and  
902 permitting.**

903 (1) An applicant for a license or permit under this chapter shall:  
904 (a)(i) submit an application in a form ~~[prescribed by]~~ the division approves; and  
905 (ii) pay a fee ~~[determined by the division in compliance with]~~ the division determines  
906 in accordance with Section 63J-1-504;  
907 (b) provide satisfactory documentation of completion of required minimum service  
908 counts, ~~[certified by the applicant's school]~~ that the applicant's school certifies, or, if  
909 under an apprenticeship, the applicant's supervisor; and:  
910 (i) compliance with educational requirements of the respective license or permit; or  
911 (ii) completion of an approved apprenticeship; and  
912 (c) pass an examination, as ~~[required by administrative rule established by the division]~~

913                   the division requires by rule made in accordance with Title 63G, Chapter 3, Utah  
914                   Administrative Rulemaking Act.

915                   (2)(a) The division shall establish administrative rules to determine how many hours for  
916                   an existing license or permit that an applicant may credit towards the hours required  
917                   for an additional permit or license.  
918                   (b) An individual that holds a [eosmetology] legacy cosmetology/barbering license may  
919                   count 600 hours as a cosmetologist to satisfy the 1,200 total hours requirement for a  
920                   master esthetics license.

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

922                   **58-11a-302.5 (Effective 07/01/26). Online curriculum for a licensed school.**

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

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

928                   **58-11a-302.13 (Effective 07/01/26). Practice of cosmetology -- Cosmetology  
929                   license -- Qualifications.**

930                   (1) The practice of cosmetology includes:  
931                   (a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting,  
932                   coloring, permanent waving, or similarly treating the hair of the head of an individual;  
933                   (b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other  
934                   appliances;  
935                   (c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow  
936                   drying;  
937                   (d) removing hair from the face or neck of an individual by using shaving equipment;  
938                   (e) arching eyebrows by tweezing or waxing, tinting eyelashes or eyebrows[or eyelashes]  
939                   , or perming eyelashes or eyebrows;  
940                   (f) manual hair removal;  
941                   (g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or  
942                   masks, and manual extraction, including a comedone extractor;  
943                   (h) limited chemical exfoliation as [defined by administrative rules made by the  
944                   division] the division defines by rule the division makes in accordance with Title 63G,  
945                   Chapter 3, Utah Administrative Rulemaking Act;  
946                   (i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces

on the human head;

(j) practicing hair weaving or hair fusing or servicing previously medically implanted hair;

(k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or enhancing the appearance of the hands, feet, and nails of an individual by using the cosmetologist's hands, mechanical or electrical preparation, antiseptic, lotion, or cream;

(l) natural nail manicures and pedicures;

(m) applying and removing sculptured or artificial nails; and

(n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.

An individual may not engage in the practice of cosmetology unless the individual holds a cosmetology license.

An applicant for a cosmetology license shall comply with the requirements in Section 58-11a-302 and:

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

(i) covers:

(A) barbing;

(B) haircutting;

(C) chemical hair services;

(D) manual hair removal;

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

(F) basic esthetics; and

(G) nail technology; and

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

(b) complete an approved cosmetologist apprenticeship.

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

An individual with a cosmetology license may be known as a cosmetologist or a barber.

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

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

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

- 981 (1) An applicant for licensure as an instructor shall:  
982 (a) submit an application in a form [prescribed by] the division approves;  
983 (b) subject to Subsection (4), pay a fee [determined by the division under] the division  
984 determines in accordance with Section 63J-1-504;  
985 (c) provide satisfactory documentation that the applicant is currently licensed or  
986 permitted in the discipline that the applicant is seeking to instruct;  
987 (d) provide satisfactory documentation that the applicant has completed six months of  
988 work experience in the discipline the applicant intends to instruct and:  
989 (i) an instructor training program [for the discipline for which the applicant is  
990 licensed, by a licensed or recognized school for a minimum of 35% of the  
991 minimum hours for the license or permit the applicant intends to instruct] of 75  
992 clock hours; or  
993 (ii) an on-the-job [instructor training for the discipline for which the applicant is  
994 licensed, by a licensed or recognized school for a minimum of 35% of the  
995 minimum hours for the license or permit the applicant intends to instruct] training  
996 program of 75 clock hours; and  
997 (e) meet the examination requirement [established by administrative rules made by the  
998 division] the division requires by rule the division makes in accordance with Title  
999 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1000 (2) An applicant for an instructor license or permit under this chapter whose education in  
1001 the discipline for which a license or permit is sought was completed at a foreign school  
1002 may satisfy the educational requirement for licensure by demonstrating, to the  
1003 satisfaction of the division, the educational equivalency of the foreign school education  
1004 with a licensed school under this chapter.
- 1005 (3)(a) An individual may not instruct a discipline unless the individual has an instructor  
1006 license that allows instruction of that discipline.  
1007 (b) The division shall make rules establishing which disciplines each type of instructor  
1008 license may instruct.
- 1009 (4) The division may not charge a fee to an individual applying for licensure as an  
1010 instructor under this chapter if the individual is a licensed instructor in any other  
1011 discipline under this chapter.
- 1012 (5) The division may offer any [required examination under this section, which is prepared  
1013 by] examination this section requires that a national testing organization[, in languages

1015        in addition to English] prepares.

1016        (6) For purposes of a national accrediting agency [reeognized by] that the United States  
1017        Department of Education recognizes, on-the-job instructor training described in this  
1018        section is not considered a program.

1019        Section 17. Section **58-11a-302.23** is amended to read:

1020        **58-11a-302.23 (Effective 07/01/26). Practice of esthetics -- Legacy esthetics  
1021        license -- Qualifications.**

1022        (1) Except as provided in Subsection (3), the division may not issue [an] a legacy esthetics  
1023        license after January 1, 2026.

1024        (2) An individual with [an] a legacy esthetics license may perform any of the following  
1025        skincare procedures done on the face or body for cosmetic purposes and not for the  
1026        treatment of medical, physical, or mental ailments:

1027            (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
1028            masks, and manual extraction, including a comedone extractor, depilatories, waxes,  
1029            tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or  
1030            pedicures, or callous removal by buffing or filing;

1031            (b) limited chemical exfoliation as defined by rule;

1032            (c) manual hair removal;

1033            (d) other esthetic preparations or procedures with the use of the hands, a high-frequency  
1034            or galvanic electrical apparatus, or a heat lamp;

1035            (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or  
1036            applying eyelash or eyebrow extensions; or

1037            (f) subject to the requirements described in Section 58-1-506:

1038              (i) laser hair removal;

1039              (ii) anti-aging resurfacing enhancements; or

1040              (iii) photo rejuvenation.

1041        (3) The division shall grant [an] a legacy esthetics license to an individual[ that completes  
1042        the requirements described in Subsektion (4) and] who:

1043            (a)(i) has registered an esthetics apprenticeship that meets the requirements of  
1044            Subsection (4)(a) with the division on or before January 1, 2026; [or] and  
1045            (ii) completes the requirements described in Subsection (4)(a); or

1046            (b)(i) has enrolled and started an esthetics program that meets the requirements of  
1047            Subsection (4)(b) with a licensed school on or before January 1, 2026[.] ; and  
1048            (ii) completes the requirements described in Subsection (4)(b).

1049 (4)(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of  
1050 apprenticeship training that is supervised by a licensed esthetics instructor who  
1051 provides one-on-one supervision of the apprentice during the apprenticeship.  
1052 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school  
1053 with a minimum of 600 hours or the equivalent number of credit hours.  
1054 (5) An individual with ~~[an]~~ a legacy esthetics license may apply credit hours to another  
1055 license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

1056 Section 18. Section **58-11a-302.24** is amended to read:

1057 **58-11a-302.24 (Effective 07/01/26). Practice of barbering -- Legacy barbering  
1058 license -- Qualifications.**

1059 (1) Except as provided in Subsection (3), the division may not issue a legacy barbering  
1060 license after January 1, 2026.  
1061 (2) An individual with a legacy barbering license may engage in the practice of barbering,  
1062 which includes:  
1063 (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors,  
1064 shears, clippers, or other appliances;  
1065 (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow  
1066 drying;  
1067 (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on  
1068 the human head;  
1069 (d) removing hair from the face or neck of an individual by using shaving equipment;  
1070 and  
1071 (e) when providing other services described in this Subsection (2), gently massaging the  
1072 head, back of the neck, and shoulders by manual or mechanical means.  
1073 (3) The division shall grant a legacy barbering license to an individual ~~[that completes the~~ the  
1074 ~~requirement described in Subsektion (4) and]~~ who:  
1075 (a)(i) has registered a barbering apprenticeship that meets the requirements of  
1076 Subsection (4)(a) with the division on or before January 1, 2026; ~~[or]~~ and  
1077 (ii) completes the requirements described in Subsection (4)(a); or  
1078 (b)(i) has enrolled and started a barbering program that meets the requirements of  
1079 Subsection (4)(b) with a licensed school on or before January 1, 2026~~[.]~~ ; and  
1080 (ii) completes the requirements described in Subsection (4)(b).  
1081 (4)(a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of  
1082 apprenticeship training that is supervised by a licensed barbering instructor who

1083 provides one-on-one supervision of the apprentice during the apprenticeship.

1084 (b) An individual described in Subsection (3)(b) shall graduate from a licensed school  
1085 with a minimum of 1,000 hours or the equivalent number of credit hours.

1086 (5) An individual with a legacy barbering license may apply credit hours to another license  
1087 or permit under this chapter, as allowed in Subsection 58-11a-302(2).

1088 Section 19. Section **58-11a-302.25** is amended to read:

1089 **58-11a-302.25 (Effective 07/01/26). License transitions.**

1090 Beginning on January 1, 2026:

1091 (1) a cosmetology/barbering license shall be renewed as a [cosmetology] legacy  
1092 cosmetology/barbering license;

1093 (2) a master-level esthetics license shall be renewed as a master esthetics license;

1094 (3) a hair design license shall be renewed as a master hair design license or a master  
1095 barbering license;

1096 (4) an individual with a barbering license may renew the license as a legacy barbering  
1097 license; and

1098 (5) an individual with an esthetics license may renew the license as [an] legacy esthetics  
1099 license.

1100 Section 20. Section **58-11a-302.26** is enacted to read:

1101 **58-11a-302.26 (Effective 07/01/26). Practice of cosmetology/barbering -- Legacy  
1102 cosmetology/barbering license -- Qualifications.**

1103 (1) Except as provided in Subsection (3), the division may not issue a legacy  
1104 cosmetology/barbering license after January 1, 2026.

1105 (2) An individual with a legacy cosmetology/barbering license may engage in the practice  
1106 of cosmetology/barbering, which includes the scope of practice for:

1107 (a) a cosmetology license under Subsection 58-11a-302.13(1); and

1108 (b) a legacy esthetics license under Subsection 58-11a-302.23(2).

1109 (3) The division shall grant a legacy cosmetology/barbering license to an individual who:

1110 (a)(i) has registered a cosmetology/barbering apprenticeship that meets the  
1111 requirements of Subsection (4)(a) with the division on or before January 1, 2026;  
1112 and

1113 (ii) completes the requirements described in Subsection (4)(a); or

1114 (b)(i) has enrolled and started a cosmetology/barbering program that meets the  
1115 requirements of Subsection (4)(b) with a licensed school on or before January 1,  
1116 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 21. 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

1151 membership in a professional association for acts of unprofessional, unlawful,  
1152 incompetent, or negligent conduct related to practice as a licensed health care  
1153 provider;

1154 (d) subjecting a licensed health care provider to disciplinary action for a period of more  
1155 than 30 days;

1156 (e) a finding that a licensed health care provider has violated professional standards or  
1157 ethics;

1158 (f) a finding of incompetence in practice as a licensed health care provider;

1159 (g) a finding of acts ~~[of moral turpitude by]~~ which, when considered with the functions  
1160 and duties of the profession, bear a substantial relationship to the individual's ability  
1161 to safely or competently perform the duties expected of a licensed health care  
1162 provider; or

1163 (h) a finding that a licensed health care provider is engaged in abuse of alcohol or drugs.

1164 (4) This section does not prohibit any action by a health care facility, or professional  
1165 society comprised primarily of licensed health care providers to suspend, restrict, or  
1166 revoke the employment, privileges, or membership of a health care provider.

1167 (5) The data and information obtained in accordance with this section is classified as a  
1168 "protected" record under Title 63G, Chapter 2, Government Records Access and  
1169 Management Act.

1170 (6)(a) Any person or organization furnishing information in accordance with this section  
1171 in response to the request of the division or a board, or voluntarily, is immune from  
1172 liability with respect to information provided in good faith and without malice, which  
1173 good faith and lack of malice is presumed to exist absent clear and convincing  
1174 evidence to the contrary.

1175 (b) The members of the board are immune from liability for any decisions made or  
1176 actions taken in response to information ~~[acquired by]~~ the board acquires if those  
1177 decisions or actions are made in good faith and without malice, which good faith and  
1178 lack of malice is presumed to exist absent clear and convincing evidence to the  
1179 contrary.

1180 (7) An individual who is a member of a hospital administration, board, committee,  
1181 department, medical staff, or professional organization of health care providers, and any  
1182 hospital, other health care entity, or professional organization conducting or sponsoring  
1183 the review, is immune from liability arising from participation in a review of a health  
1184 care provider's professional ethics, medical competence, ~~[moral turpitude]~~ or a behavior

1185 which, when considered with the functions and duties of the profession, bears a  
1186 substantial relationship to the individual's ability to safely or competently perform the  
1187 duties expected of a health care provider including any mental or physical illness or  
1188 condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v),  
1189 or substance abuse.

1190 (8) This section does not exempt a person licensed under Title 58, Occupations and  
1191 Professions, from complying with any reporting requirements established under state or  
1192 federal law.

1193 Section 22. Section **58-15-101** is amended to read:

1194 **58-15-101 (Effective 07/01/26) (Repealed 07/01/35). Definitions.**

1195 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

1196 (1) "Administrator" means a [person who] person that is charged with the general  
1197 administration of a health facility, regardless of whether:  
1198 (a) the person has an ownership interest in the facility; or  
1199 (b) the person's functions and duties are shared with one or more persons.

1200 (2) "Board" means the Health Facility Administrators Licensing Board created in Section  
1201 58-15-201.

1202 (3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an  
1203 intermediate care facility for individuals with an intellectual disability.

1204 (4) "Intermediate care facility" means an institution that provides, on a regular basis, health  
1205 care and services to individuals who do not require the degree of care and treatment a  
1206 hospital or skilled nursing facility provides, but who require health care and services in  
1207 addition to room and board.

1208 (5) "Intermediate care facility for people with an intellectual disability" means an institution  
1209 that provides, on a regular basis, health-related care and service to individuals with  
1210 intellectual disabilities as defined in Section 68-3-12.5 or individuals with related  
1211 conditions, who do not require the degree of care and treatment a hospital or skilled  
1212 nursing facility provides, but who require health-related care and services above the  
1213 need for room and board.

1214 (6) "Skilled nursing facility" means an institution primarily providing inpatients with  
1215 skilled nursing care and related services on a continuing basis for patients who require  
1216 mental, medical, or nursing care, or service for the rehabilitation of an injured  
1217 individual, a sick individual, or an individual with a disability.

1218 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as [may be further defined]

1219 by rule] the division may define by rule the division makes in accordance with Title 63G,  
1220 Chapter 3, Utah Administrative Rulemaking Act, includes:

1221 (a) intentionally filing a false report or record, intentionally failing to file a report or  
1222 record [required by] that state or federal law requires, or willfully impeding or  
1223 obstructing the filing of a required report. These reports or records only include  
1224 those which are signed in the capacity of a licensed health facility administrator; and  
1225 (b) [a]ctioning in a manner inconsistent with the health and safety of the patients of the  
1226 health facility in which he is the administrator] the administrator acting in a manner  
1227 inconsistent with the health and safety of a patient of the health facility that employs  
1228 the administrator.

1229 Section 23. Section **58-16a-305** is amended to read:

1230 **58-16a-305 (Effective 07/01/26). License -- Exemptions.**

1231 In addition to the exemptions from licensure in Section 58-1-307, the following persons  
1232 may engage in acts included in the definition of the practice of optometry subject to the stated  
1233 circumstances and limitations without being licensed under this chapter:

1234 (1) a person [who] that sells contact lenses on prescription [provided by a person] a person  
1235 provides that is authorized under state law to practice either optometry or medicine and  
1236 surgery if the person complies with Section 58-16a-801;  
1237 (2) a person [who] that sells eyeglasses or spectacles as articles of merchandise or who  
1238 fabricates them from a prescription if the person complies with Subsection 58-16a-801(2),  
1239 and if the person:  
1240 (a) does so in the ordinary course of trade from a permanently located and established  
1241 place of business;  
1242 (b) does not traffic or attempt to traffic upon assumed skill in testing the eye and  
1243 adapting lenses according to the test;  
1244 (c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in  
1245 the case of an emergency;  
1246 (d) does not use in the testing of the eyes any lenses or instruments other than the lenses  
1247 actually sold; and  
1248 (e) does not give or offer eyeglasses or spectacles as premiums as defined in Section  
1249 13-26-2; and  
1250 (3) a person [who] that fits contact lenses [under the following conditions] that:  
1251 (a) [he] has a current certification from both the American Board of Opticianry and the  
1252 National Contact Lens Examiners;

1253 (b) [he-]does not give or offer contact lenses as premiums;

1254 (c) [he-]does not perform a refraction, over-refraction, or attempt to traffic upon assumed

1255 skill in testing the eye;

1256 (d) [he-]operates in the ordinary course of trade from a permanently located and

1257 established place of business;

1258 (e) [he-]performs the work involved in fitting contact lenses himself and does not

1259 delegate the contact lens fitting to any other individual who is not qualified under this

1260 Subsection (3);

1261 (f) [he-]does not use in the testing of the eye any lenses or instruments other than the

1262 lenses ~~[he actually will sell]~~ that will actually be sold;

1263 (g) [he-]provides services only to a patient who:

1264 (i) presents an unexpired contact lens prescription; or

1265 (ii) has had an eye examination within the prior six months ~~[by]~~ that an optometrist or

1266 ophthalmologist meeting the requirements under Section 58-16a-306 performs;

1267 and

1268 (h) [he-]maintains a copy of the patient's contact lens prescription for not less than seven

1269 years~~[;]~~.

1270 ~~[(i) he enters into a written agreement with an optometrist or an ophthalmologist before~~

~~July 1, 2000, to fit contact lenses prescribed by that optometrist or ophthalmologist;]~~

1271 ~~[(j) he fits contact lenses for at least two years under the direct supervision of the~~

~~optometrist or ophthalmologist identified in Subsection (3)(i) before July 1, 2000, as~~

~~documented in the written agreement; and]~~

1272 ~~[(k) the optometrist or ophthalmologist described in Subsection (3)(i):]~~

1273 ~~[(i) ensures that the final contact lens is accurate;]~~

1274 ~~[(ii) presents a written copy of the prescription to the person fitting the contact lens;~~

~~and]~~

1275 ~~[(iii) ensures that a copy of the prescription is provided to the patient, except as~~

~~provided in Section 58-16a-306.]~~

1276 Section 24. Section **58-16a-502** is amended to read:

1277 **58-16a-502 (Effective 07/01/26). Unprofessional conduct.**

1278 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

1279 (1) using or employing the services of an optometric assistant to assist a licensee in any

1280 manner not in accordance with:

1281 (a) the generally recognized practices and standards of ethics of the profession; or

1287 (b) applicable state law or division rule;

1288 (2) failure to refer a patient to an appropriate licensed practitioner when:

1289 (a) the patient's condition does not respond to treatment; or

1290 (b) the treatment is not within the scope of competence or licensure of the licensee;

1291 (3) providing confidential information regarding a patient to any third party who does not

1292 have a legal and professional ground for obtaining the information;

1293 (4) knowingly prescribing, selling, giving away, or administering any prescription drug

1294 unless:

1295 (a) for a legitimate medical purpose;

1296 (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or

1297 provided; and

1298 (c) in compliance with Section 58-17b-309;

1299 (5) giving or receiving directly or indirectly any fee, commission, rebate, or other

1300 compensation for professional services not actually and personally rendered, except as

1301 part of a legal relationship within a lawful professional partnership, corporation, or

1302 association;

1303 (6) failure to transfer pertinent and necessary information from a patient's medical records

1304 to another optometrist or physician when ~~so requested by~~ the patient or ~~his~~ the

1305 patient's representative, as designated in writing, requests;

1306 (7) failure to provide a contact lens prescription to a person who person that sells contact

1307 lenses in accordance with Section 58-16a-306; or

1308 (8) falsely making an entry in, or altering, a medical record with the intent to conceal:

1309 (a) a wrongful or negligent act or omission of an individual licensed under this chapter

1310 or an individual under the direction or control of an individual licensed under this

1311 chapter; or

1312 (b) conduct described in Subsections (1) through (7) or Subsection 58-1-501(1).

1313 Section 25. Section **58-16a-801** is amended to read:

1314 **58-16a-801 (Effective 07/01/26). Contact lens and ophthalmic lens seller or**

1315 **provider.**

1316 (1) A person may sell or provide contact lenses if the person:

1317 (a) does so in the ordinary course of trade from a permanently located and established

1318 place of business;

1319 (b) does not perform refractions, over-refractions, or attempts to traffic upon assumed

1320 skill in testing the eye;

1321 (c) provides all contact lenses consistent with and in accordance with a valid contact lens  
1322 prescription;

1323 (d) does not fit contact lenses;

1324 (e) provides a contact lens to a patient after:  
1325 (i) receiving an unexpired verbal or written prescription; or  
1326 (ii) sending a contact lens prescription verification to the prescribing optometrist or  
1327 physician, regardless of whether the prescribing optometrist or physician responds  
1328 to or confirms the verification, provided that:  
1329 (A) the person has all of the information necessary to fill the prescription;  
1330 (B) the prescribing optometrist or physician has not informed the person that the  
1331 prescription has expired or is otherwise inaccurate prior to the person shipping  
1332 or hand-delivering the contact lens to the patient;  
1333 (C) the person confirms a valid, unexpired contact lens prescription for the patient  
1334 if the person is aware that the patient provided inaccurate prescription  
1335 information in [his] that patient's last order; and  
1336 (D) the person informs the patient that the prescription has expired or that there is  
1337 a medical problem associated with the prescription if the [information is  
1338 ~~communicated by the prescribing optometrist or physician~~] prescribing  
1339 optometrist or physician communicates the information to the person within 72  
1340 hours of the contact lens prescription verification being sent; and  
1341 (f) maintains patient information, including the method and date of any prescription  
1342 verification, for no less than seven years.

1343 (2)(a) A person may engage in the activities described in Subsection (2)(b), without a  
1344 license under this title, if the person:  
1345 (i) provides the ophthalmic lenses consistent with and in accordance with a  
1346 prescription from a licensed physician or optometrist that is unexpired as provided  
1347 in Subsection 58-16a-102(8)(b);  
1348 (ii) dispenses the ophthalmic lenses within or from the state;  
1349 (iii) does so in the ordinary course of trade from a permanently located and  
1350 established place of business;  
1351 (iv) does not perform refractions, over-refractions, or attempt to traffic upon assumed  
1352 skill in licensed physician or optometrist testing of the eye; and  
1353 (v) complies with impact tolerance standards based on ANSI Z80.1-2010, American  
1354 National Standard for Ophthalmics - Prescription Lenses.

1355 (b) In accordance with Subsection (2)(a), a person may:

1356 (i) sell, reproduce, or dispense ophthalmic lenses;

1357 (ii) fit or adjust ophthalmic lenses or frames;

1358 (iii) assist with the selection of frames for ophthalmic lenses;

1359 (iv) measure pupillary distance and interpret pupillary distance measurements; or

1360 (v) measure or interpret the reading segment height in bifocal, tri-focal, progressive,

1361 or multi-focal lenses.

1362 (3) Nothing in this section may be construed as requiring a person to be licensed or certified

1363 in any way under this or any another chapter of this title to sell contact lenses in

1364 accordance with Subsection (1), or to sell ophthalmic lenses in accordance with

1365 Subsection (2).

1366 Section 26. Section **58-17b-201** is amended to read:

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

1368 (1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one

1369 pharmacy technician, and one member of the general public.

1370 (a) The public member of the board shall be a Utah resident who:

1371 (i) is ~~21 years of age or older~~ at least 21 years old;

1372 (ii) has never been licensed to engage in the practice of pharmacy;

1373 (iii) has never been the spouse of a person licensed to engage in the practice of

1374 pharmacy;

1375 (iv) has never held any material financial interest in pharmacy practice; and

1376 (v) has never engaged in any activity directly related to the practice of pharmacy.

1377 (b) The licensed pharmacist and licensed pharmacy technician members of the board

1378 shall:

1379 (i) have been Utah residents continuously for at least three years;

1380 (ii) have at least five years experience in the practice of pharmacy in good standing

1381 with the division in Utah after licensure; and

1382 (iii) maintain licensure in good standing to engage in the practice of pharmacy or

1383 practice as a pharmacy technician in Utah for the duration of the appointment.

1384 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

1385 (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202

1386 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled

1387 substance database. In addition, the board shall designate an appropriate member on a

1388 permanent or rotating basis to:

1389 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional  
1390 conduct of a licensee; and  
1391 (b) advise the division in its investigation of these complaints.  
1392 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its  
1393 investigation may be disqualified from participating with the board when the board  
1394 serves as a presiding officer in an adjudicative proceeding concerning the complaint.  
1395 (5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or  
1396 upon one of the following grounds:  
1397 (a) refusal or inability for any reason of a board member to perform ~~[his]~~ the board  
1398 member's duties as a member of the Board in an efficient, responsible, and  
1399 professional manner;  
1400 (b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage  
1401 for ~~[himself]~~ the board member or another through such appointment; or  
1402 (c) violation of the laws governing the practice of pharmacy or Chapter 37, Utah  
1403 Controlled Substances Act.

1404 Section 27. Section **58-17b-306** is amended to read:

1405 **58-17b-306 (Effective 07/01/26). Qualifications for licensure as a pharmacy.**

1406 (1) Each applicant for licensure under this section, except for those applying for a class D  
1407 license, shall:  
1408 (a) submit a written application in the form the division approves;  
1409 (b) pay a fee ~~[as determined by the department under]~~ the department determines in  
1410 accordance with Section 63J-1-504;  
1411 (c) satisfy the division that the applicant, and each owner, officer, or manager of the  
1412 applicant, has not engaged in any act, practice, or omission, which when considered  
1413 with the duties and responsibilities of a licensee under this section indicates there is  
1414 cause to believe that issuing a license to the applicant is inconsistent with the interest  
1415 of the public's health, safety, or welfare;  
1416 (d) demonstrate the licensee's operations will be in accordance with all federal, state, and  
1417 local laws relating to the type of activity ~~[engaged in by the licensee]~~ that the licensee  
1418 engages in, including regulations of the Federal Drug Enforcement Administration  
1419 and Food and Drug Administration;  
1420 (e) maintain operating standards ~~[established by]~~ the division determines by rule made in  
1421 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1422 Administrative Rulemaking Act;

1423 (f)(i) [for each pharmacy license, ensure that the pharmacist-in-charge, as defined by  
1424 the division consents to, and completes, a criminal background check, described in  
1425 Section 58-1-301.5] for each pharmacy license, ensure that the  
1426 pharmacist-in-charge, or the pharmacy manager if the pharmacy is not required to  
1427 have a pharmacist-in-charge, consents to and completes a criminal background  
1428 check as described in Section 58-1-301.5;

1429 (ii) [meets-] meet any other standard related to the criminal background check  
1430 described in Subsection (1)(f)(i), that the division [establishes] makes by rule in  
1431 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
1432 (iii) [discloses-] disclose any criminal history the division requests on a form the  
1433 division approves; and

1434 (g) acknowledge the division's authority to inspect the licensee's business premises [  
1435 pursuant to] in accordance with Section 58-17b-103.

1436 (2) Each applicant applying for a class D license shall:

1437 (a) submit a written application in the form the division approves;

1438 (b) pay a fee as [determined by the department under] the department determines in  
1439 accordance with Section 63J-1-504;

1440 (c) present to the division verification of licensure in the state where physically located  
1441 and verification that such license is in good standing;

1442 (d) satisfy the division that the applicant and each of the applicant's pharmacy managers  
1443 has not engaged in any act, practice, or omission, which when considered with the  
1444 duties and responsibilities of a licensee under this section, indicates there is cause to  
1445 believe that issuing a license to the applicant is inconsistent with the interest of the  
1446 public's health, safety, or welfare;

1447 (e) for each pharmacy manager:

1448 (i) consent to, and complete, a criminal background check, described in Section  
1449 58-1-301.5;

1450 (ii) meet any other standard related to the criminal background check described in  
1451 Subsection (2)(e)(i), that the division [establishes] makes by rule in accordance  
1452 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1453 (iii) disclose any criminal history the division requests on a form the division  
1454 approves;

1455 (f) as the division requires by rule the division makes in accordance with Title 63G,  
1456 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 28. 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 renewals as the division determines by rule in accordance with Title 63G, Chapter 3, Utah

1491                   Administrative Rulemaking Act.

1492                   (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.

1495                   (2) The duration of a pharmacy intern license may be no longer than:

1496                   (a) ~~[one year]~~ two years for a license issued under Subsection 58-17b-304(6)(b); or  
1497                   (b) five years for a license issued under Subsection 58-17b-304(6)(a).

1498                   (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.

1501                   (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:

1503                   (a) conducted within two years before the application for renewal; and  
1504                   (b)(i) conducted as part of the National Association of Boards of Pharmacy Verified  
1505                   Pharmacy Program; or  
1506                   (ii) performed by the state licensing agency of the state in which the applicant is a  
1507                   resident and in accordance with the National Association of Boards of Pharmacy  
1508                   multistate inspection blueprint program.

1509                   Section 29. Section **58-17b-309** is amended to read:

1510                   **58-17b-309 (Effective 07/01/26). Exemptions from licensure.**

1511                   In addition to the exemptions from licensure in Section 58-1-307, the following  
1512                   individuals may engage in the acts or practices described in this section without being licensed  
1513                   under this chapter:

1514                   (1) a person selling or providing contact lenses in accordance with Section 58-16a-801;  
1515                   (2) an animal shelter that:  
1516                   (a) under the indirect supervision of a veterinarian, stores, handles, or administers a drug  
1517                   used for ~~[euthanising]~~ euthanizing an animal; and  
1518                   (b) under the indirect supervision of a veterinarian who is under contract with the animal  
1519                   shelter, stores, handles, or administers a rabies vaccine;  
1520                   (3) an overdose outreach provider, as defined in Section 26B-4-501, that obtains, stores, or  
1521                   furnishes an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5,  
1522                   Treatment Access; and  
1523                   (4) a dispensing practitioner, as defined in Section 58-88-201, dispensing a drug under  
1524                   Chapter 88, Part 2, Dispensing Practice.

1525       Section 30. Section **58-17b-501** is amended to read:

1526       **58-17b-501 (Effective 07/01/26). Unlawful conduct.**

1527       "Unlawful conduct" includes:

- 1528       (1) knowingly preventing or refusing to permit an authorized agent of the division to  
1529           conduct an inspection [pursuant to] in accordance with Section 58-17b-103;
- 1530       (2) failing to deliver the license, permit, or certificate to the division upon demand, if [it] the  
1531           license, permit, or certificate has been revoked, suspended, or refused;
- 1532       (3)(a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy  
1533           technician," or a term having similar meaning, except by [a person] an individual who  
1534           is licensed as a pharmacist, pharmacy intern, or pharmacy technician; or
- 1535       (b) conducting or transacting business under a name that contains, as part of that name,  
1536           the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug  
1537           shop," "apothecary," "prescriptions," or a term having a similar meaning, or in any  
1538           manner advertising, otherwise describing, or referring to the place of the conducted  
1539           business or profession, unless the place is a pharmacy issued a license by the  
1540           division, except an establishment selling nonprescription drugs and supplies may  
1541           display signs bearing the words "packaged drugs," "drug sundries," or  
1542           "nonprescription drugs," and is not considered to be a pharmacy or drugstore by  
1543           reason of the display;
- 1544       (4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears, or  
1545           the package bears or originally did bear, the inscription "sample," "not for resale," "for  
1546           investigational or experimental use only," or other similar words, except when a cost is  
1547           incurred in the bona fide acquisition of an investigational or experimental drug;
- 1548       (5) using to a person's own advantages or revealing to anyone other than the division,  
1549           board, and its authorized representatives, or to the courts, when relevant to a judicial or  
1550           administrative proceeding under this chapter, information acquired under authority of  
1551           this chapter or concerning a method of process that is a trade secret;
- 1552       (6) procuring or attempting to procure a drug or to have someone else procure or attempt to  
1553           procure a drug:
  - 1554           (a) by fraud, deceit, misrepresentation, or subterfuge;
  - 1555           (b) by forgery or alteration of a prescription or a written order;
  - 1556           (c) by concealment of a material fact;
  - 1557           (d) by use of a false statement in a prescription, chart, order, or report; or
  - 1558           (e) by theft;

1559 (7) filling, refilling, or advertising the filling or refilling of prescriptions for a consumer or  
1560 patient residing in this state if the person is not licensed:  
1561 (a) under this chapter; or  
1562 (b) in the state from which [he] the individual is dispensing;  
1563 (8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or authorized  
1564 supportive personnel to engage in conduct in violation of this chapter;  
1565 (9) being in possession of a prescription drug for an unlawful purpose;  
1566 (10) dispensing a prescription drug to a [person who] person that does not have a  
1567 prescription from a practitioner, except as permitted under Title 26B, Chapter 4, Part 5,  
1568 Treatment Access;  
1569 (11) dispensing a prescription drug to a [person who] person that the person dispensing the  
1570 drug knows or should know is attempting to obtain drugs by fraud or misrepresentation;  
1571 (12) selling, dispensing, distributing, or otherwise trafficking in prescription drugs when  
1572 not licensed to do so or when not exempted from licensure; and  
1573 (13) a person using a prescription drug or controlled substance that was not lawfully  
1574 prescribed for the person by a practitioner.

1575 Section 31. Section **58-17b-502** is amended to read:

1576 **58-17b-502 (Effective 07/01/26). Unprofessional conduct.**

1577 (1) "Unprofessional conduct" includes:  
1578 (a) willfully deceiving or attempting to deceive the division, the board, or their agents as  
1579 to any relevant matter regarding compliance under this chapter;  
1580 (b) except as provided in Subsection (2):  
1581 (i) paying or offering rebates to practitioners or any other health care providers, or  
1582 receiving or soliciting rebates from practitioners or any other health care provider;  
1583 or  
1584 (ii) paying, offering, receiving, or soliciting compensation in the form of a  
1585 commission, bonus, rebate, kickback, or split fee arrangement with practitioners  
1586 or any other health care provider, for the purpose of obtaining referrals;  
1587 (c) misbranding or adulteration of any drug or device or the sale, distribution, or  
1588 dispensing of any outdated, misbranded, or adulterated drug or device;  
1589 (d) engaging in the sale or purchase of drugs or devices that are samples or packages  
1590 bearing the inscription "sample" or "not for resale" or similar words or phrases;  
1591 (e) except as provided in Section 58-17b-503, accepting back and redistributing any  
1592 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

1627 Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid  
1628 Research and Medical Cannabis; or

1629 (p) falsely making an entry in, or altering, a medical record with the intent to conceal:  
1630 (i) a wrongful or negligent act or omission of an individual licensed under this  
1631 chapter or an individual under the direction or control of an individual licensed  
1632 under this chapter; or  
1633 (ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

1634 (2) Subsection (1)(b) does not apply to:  
1635 (a) giving or receiving a price discount based on purchase volume;  
1636 (b) passing along a pharmaceutical manufacturer's rebate; or  
1637 (c) providing compensation for services to a veterinarian.

1638 (3) "Unprofessional conduct" does not include:  
1639 (a) in accordance with  
1640 Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when  
1641 registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201,  
1642 providing pharmacy medical provider services in a medical cannabis pharmacy; or  
1643 (b) if a pharmacist reasonably believes that a prescription drug will have adverse or  
1644 harmful effects on an individual and warns the individual of the potential effects,  
1645 filling a prescription prescribed by a health care provider who:  
1646 (i) is operating within the health care provider's scope of practice; and  
1647 (ii) is deviating from a medical norm or established practice in accordance with  
1648 Subsection 58-1-501(2)(b)(i).

1649 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in  
1650 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall  
1651 define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

1652 Section 32. Section **58-17b-606** is amended to read:

1653 **58-17b-606 (Effective 07/01/26). Restrictive drug formulary prohibited.**

1654 (1) As used in this section:  
1655 (a) "Generic form" means a prescription drug that is available in generic form and has an  
1656 A rating in the United States Pharmacopeia and Drug Index.  
1657 (b) "Legend drug" has the same meaning as prescription drug.  
1658 (c) "Restrictive drug formulary" means a list of legend drugs, other than drugs for  
1659 cosmetic purposes, that ~~are prohibited by~~ the Department of Health and Human  
1660 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 33. 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 34. 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

1695 an agent or representative for freight haulers and forwarders.

1696 (2) Any sale of prescription drugs in bankruptcy, at public auction, at freight liquidation  
1697 sales, or any other sale of prescription drugs other than in the normal course of business  
1698 or practice shall comply with the following:

1699 (a) a seller of prescription drugs shall be licensed by the division as a prescription drug  
1700 distributor or wholesaler with a regular license, or a temporary license for that sale  
1701 only, before engaging in the sale of any prescription drugs; and

1702 (b) a person licensed as a pharmacy under this chapter may not acquire by purchase or  
1703 other means prescription drugs or devices outside the normal course of business  
1704 within the meaning of this section unless:

1705 (i) the prescription drugs or devices are accompanied by a certificate signed by a  
1706 licensed pharmacist employed or retained by the seller, as required in Subsection  
1707 (3), attesting that the prescription drugs or devices have not been adversely  
1708 affected by circumstances relating to their transportation, storage, or distribution;  
1709 and

1710 (ii) the licensee acquiring the prescription drugs or devices employs a qualified  
1711 pharmacist who is responsible for determining that all prescription drugs being  
1712 acquired do not pose any threat to the public welfare if introduced into commerce  
1713 than would be presented by the acquisition of those prescription drugs and devices  
1714 in the normal course of business through established channels of prescription drug  
1715 distribution.

1716 (3) A seller of prescription drugs outside the normal course of business shall retain the  
1717 services of a qualified pharmacist licensed to practice in the state to serve as either an  
1718 employee or independent consultant to determine if the:

1719 (a) prescription drugs and devices to be offered for sale have been transported, stored,  
1720 and distributed in accordance with applicable federal, state, and local laws; and

1721 (b) condition of the prescription drugs and devices to be offered for sale has been  
1722 adversely affected by the circumstances of transportation, storage, or distribution.

1723 (4) The written notice provided to the division prior to the sale of any prescription drugs or  
1724 devices under this section shall contain written verification of the pharmacist retained by  
1725 the seller, stating the drugs or devices offered for sale have not been adversely affected  
1726 by the circumstances of transportation, storage, or distribution.

1727 (5) A pharmacist employed by a seller under Subsection (3) or a pharmacy, distributor, or  
1728 wholesaler for whom that pharmacist may be employed or in which [he] that pharmacist

1729 may have an interest, may not purchase any prescription drugs or devices from the seller  
1730 for which that pharmacist has provided verification regarding the drugs or devices.

1731 Section 35. Section **58-22-103** is amended to read:

1732 **58-22-103 (Effective 07/01/26). Education and enforcement fund.**

1733 (1) There is created an expendable special revenue fund known as the "Professional  
1734 Engineer, Professional Structural Engineer, and Professional Land Surveyor Education  
1735 and Enforcement Fund."

1736 (2) The fund consists of money from:  
1737 (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this  
1738 chapter in accordance with the following:  
1739 (i) [the surcharge fee shall be established by] the department shall determine the  
1740 surcharge in accordance with Section 63J-1-504; and  
1741 (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or  
1742 reinstatement licensure fee; and  
1743 (b) administrative penalties collected [pursuant to] in accordance with this chapter.

1744 (3) The fund shall earn interest and all interest earned on fund money shall be deposited  
1745 into the fund.

1746 (4) The director may, with concurrence of the board, make distributions from the fund for  
1747 the following purposes:  
1748 (a) education and training of licensees under this chapter;  
1749 (b) education and training of the public or other interested persons in matters concerning  
1750 engineering, structural engineering, and land surveying laws and practices; and  
1751 (c) enforcement of this chapter by:  
1752 (i) investigating unprofessional or unlawful conduct; and  
1753 (ii) providing legal representation to the division when the division takes legal action  
1754 against a person engaging in unprofessional or unlawful conduct.

1755 (5) If the balance in the fund exceeds [\$100,000] \$200,000 at the close of any fiscal year,  
1756 the excess shall be transferred to the General Fund.

1757 (6) The division shall report annually to the appropriate appropriations subcommittee of the  
1758 Legislature concerning the fund.

1759 Section 36. Section **58-24b-201** is amended to read:

1760 **58-24b-201 (Effective 07/01/26). Physical and Occupational Therapy Licensing  
1761 Board -- Creation -- Membership -- Duties.**

1762 (1) There is created the [Physical Therapies Licensing Board] Physical and Occupational

1763       Therapy Licensing Board, consisting of:

1764       (a) three licensed physical therapists;

1765       (b) one physical therapist assistant;

1766       (c) two licensed occupational therapists;

1767       (d) one occupational therapy assistant; and

1768       (e) one member of the general public.

1769       (2) Members of the board shall be appointed and serve in accordance with Section 58-1-201.

1770       (3) The duties and responsibilities of the board are described in Subsection (4) and Sections  
1771       58-1-201 through 58-1-203 with respect to this chapter or Chapter 42a, Occupational  
1772       Therapy Practice Act.

1773       (4) The board shall designate a member of the board, on a permanent or rotating basis, to:

1774       (a) assist the division in reviewing complaints concerning the conduct of an individual  
1775       licensed under this chapter or Chapter 42a, Occupational Therapy Practice Act; and

1776       (b) advise the division during the division's investigation of the complaints described in  
1777       Subsection (4)(a).

1778       (5) A board member who has reviewed a complaint or been involved in an investigation  
1779       under Subsection (4) is disqualified from participating in an adjudicative proceeding  
1780       relating to the complaint or investigation.

1781       Section 37. Section **58-26a-302** is amended to read:

1782       **58-26a-302 (Effective 07/01/26). Qualifications for licensure and registration --**

1783       **Licensure by endorsement.**

1784       (1) Each applicant for licensure under this chapter as a certified public accountant shall:

1785       (a) submit an application in a form the division approves by rule;

1786       (b) pay a fee [determined by] the department [under] determines in accordance with  
1787       Section 63J-1-504;

1788       (c) submit a certified transcript of credits from an accredited institution acceptable to the  
1789       board showing:

1790       (i) successful completion of:

1791       (A) [a bachelor's degree, master's degree,] a bachelor's degree or a master's degree  
1792       in accounting at a college or university approved by the board; or

1793       (B) [the equivalent with] at least a bachelor's degree with a concentration [of] in  
1794       accounting and business as the division defines by rule the division makes in  
1795       accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, at  
1796       a college or university [approved by] the board approves; and

1797 (ii) compliance with any other education requirements [established by rule by] the  
1798 division makes by rule made in collaboration with the board in accordance with  
1799 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1800 (d) submit evidence of accounting experience in a form the division approves by rule [of  
1801 at least:] made in accordance with Title 63G, Chapter 3, Utah Administrative  
1802 Rulemaking Act;

1803 [(i) ~~one year of accounting experience for an individual with a master's degree or the~~  
1804 ~~equivalent with a concentration of accounting and business; or]~~]  
1805 [(ii) ~~two years of accounting experience for an individual with a bachelor's degree or~~  
1806 ~~the equivalent with a concentration of accounting and business;~~]  
1807 (e) submit evidence of having successfully completed the qualifying examinations in  
1808 accordance with Section 58-26a-306; and  
1809 (f) submit to an interview [by the board, if requested,] as the board may request for the  
1810 purpose of examining the applicant's competence and qualifications for licensure.

1811 (2)(a) The division may issue a license under this chapter to an individual who holds a  
1812 license as a certified public accountant issued by another state if the applicant for  
1813 licensure by endorsement:  
1814 (i) submits an application in a form the division approves by rule;  
1815 (ii) pays a fee [determined by] the department [~~under~~] determines in accordance with  
1816 Section 63J-1-504;  
1817 (iii) submits to an interview [by the board, if requested,] as the board may request for  
1818 the purpose of examining the applicant's competence and qualifications for  
1819 licensure; and  
1820 (iv)(A)(I) shows evidence of having passed the qualifying examinations; and  
1821 (II)(Aa) meets the requirements for licensure that were applicable in this  
1822 state at the time of the issuance of the applicant's license by the state  
1823 from which the original licensure by satisfactorily passing the AICPA  
1824 Uniform CPA Examination was issued; or  
1825 (Bb) had four years of professional experience after passing the AICPA  
1826 Uniform CPA Examination upon which the original license was based,  
1827 within the 10 years immediately preceding the application for licensure  
1828 by endorsement; or  
1829 (B) shows evidence that the applicant's education, examination record, and  
1830 experience are substantially equivalent to the requirements of Subsection (1),

1831 as [provided by rule] the division requires by rule made in accordance with  
1832 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1833 (b) This Subsection (2) applies only to an individual seeking to obtain a license issued  
1834 by this state and does not apply to an individual practicing as a certified public  
1835 accountant in the state under Subsection 58-26a-305(1).

1836 (3)(a) Each applicant for registration as a [Certified Public Accountant] certified public  
1837 accountant firm shall:

- 1838 (i) submit an application in a form the division approves by rule;
- 1839 (ii) pay a fee [determined by] the department [under] determines in accordance with  
1840 Section 63J-1-504;
- 1841 (iii) have, notwithstanding any other provision of law, a simple majority of the  
1842 ownership of the [Certified Public Accountant] certified public accountant firm, in  
1843 terms of financial interests and voting rights of all partners, officers, shareholders,  
1844 members, or managers, held by individuals who are certified public accountants,  
1845 licensed under this chapter or another state of the United States of America, and  
1846 the partners, officers, shareholders, members, or managers, whose principal place  
1847 of business is in this state, and who perform professional services in this state hold  
1848 a valid license issued under Subsection 58-26a-301(2) or the corresponding  
1849 provisions of prior law; and
- 1850 (iv) meet any other requirements [established by rule by] the division makes in  
1851 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah  
1852 Administrative Rulemaking Act.

1853 (b) Each separate location of a qualified business entity within the state seeking  
1854 registration as a [Certified Public Accountant] certified public accountant firm shall  
1855 register separately.

1856 (c) A [Certified Public Accountant] certified public accountant firm may include owners  
1857 who are not licensed under this chapter as outlined in Subsection (3)(a)(iii), provided  
1858 that:

- 1859 (i) the firm designates a licensee of this state who is responsible for the proper  
1860 registration of the [Certified Public Accountant] certified public accountant firm  
1861 and identifies that individual to the division; and
- 1862 (ii) all nonlicensed owners are active individual participants in the [CPA] certified  
1863 public accounting firm.

1864 Section 38. Section **58-31b-303** is amended to read:

1865                   **58-31b-303 (Effective 07/01/26). Qualifications for licensure -- Graduates of**  
1866                   **nonapproved nursing programs.**

1867                   An applicant for licensure as a practical nurse or registered nurse who is a graduate of a  
1868                   nursing education program not approved by the division in collaboration with the board must  
1869                   comply with the requirements of this section.

1870                   (1) An applicant for licensure as a licensed practical nurse shall:

- 1871                   (a) meet all requirements of Subsection 58-31b-302(2), except Subsection  
1872                   58-31b-302(2)(e); and
- 1873                   (b) produce evidence acceptable to the division and the board that the nursing education  
1874                   program completed by the applicant is equivalent to the minimum standards  
1875                   established by the division in collaboration with the board for an approved licensed  
1876                   practical nursing education program.

1877                   (2) An applicant for licensure as a registered nurse shall:

- 1878                   (a) meet all requirements of Subsection 58-31b-302(4), except Subsection  
1879                   58-31b-302(4)(e); and
- 1880                   (b)(i) ~~pass [the Commission on Graduates of Foreign Nursing Schools (CGFNS)~~  
1881                   ~~Examination] an examination the division determines by rule made in~~  
1882                   ~~collaboration with the board and in accordance with Title 63G, Chapter 3, Utah~~  
1883                   ~~Administrative Rulemaking Act, demonstrating knowledge of the practice, skills,~~  
1884                   ~~theory, and professional ethics related to nursing; or~~
- 1885                   (ii) produce evidence acceptable to the division and the board that the applicant is  
1886                   currently licensed as a registered nurse in one of the states, territories, or the  
1887                   District of Columbia of the United States or in Canada and has passed the  
1888                   NCLEX-RN examination in English.

1889                   Section 39. Section **58-31b-702** is amended to read:

1890                   **58-31b-702 (Effective 07/01/26). Reporting of disciplinary action -- Immunity**  
1891                   **from liability.**

1892                   (1) A licensed health care facility or organization or a professional society of nurses in the  
1893                   state that takes disciplinary action against ~~[a person]~~ an individual licensed under this  
1894                   chapter relating to any of the following, shall report the action in writing to the division  
1895                   within 30 days after the action is taken:

- 1896                   (a) that ~~[person's]~~ individual's professional acts or omissions as a licensed nurse;
- 1897                   (b) that ~~[person's]~~ individual's nursing competence or ability to practice nursing safely; or
- 1898                   (c) that ~~[person's]~~ individual's use of alcohol or drugs in an unlawful manner or to the

1899 extent the [person] individual is impaired in [his-] the ability to practice nursing safely.

1900 (2) Any person or organization furnishing information in accordance with this section is  
1901 immune from liability to the extent that the information is furnished in good faith and  
1902 without malice.

1903 Section 40. Section **58-37-2** is amended to read:

1904 **58-37-2 (Effective 07/01/26). Definitions.**

1905 (1) As used in this chapter:

1906 (a) "Administer" means the direct application of a controlled substance, whether by  
1907 injection, inhalation, ingestion, or any other means, to the body of a patient or  
1908 research subject by:  
1909 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized  
1910 agent; or  
1911 (ii) the patient or research subject at the direction and in the presence of the  
1912 practitioner.  
1913 (b) "Agent" means an authorized [person who] person that acts on behalf of or at the  
1914 direction of a manufacturer, distributor, or practitioner but does not include a motor  
1915 carrier, public warehouseman, or employee of any of them.  
1916 (c) "Consumption" means ingesting or having any measurable amount of a controlled  
1917 substance in a person's body, but this Subsection (1)(c) does not include the  
1918 metabolite of a controlled substance.  
1919 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,  
1920 partnership, corporation, business trust, association, or other legal entity, and any  
1921 union or groups of individuals associated in fact although not a legal entity, and  
1922 includes illicit as well as licit entities created or maintained for the purpose of  
1923 engaging in conduct which constitutes the commission of episodes of activity made  
1924 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,  
1925 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance  
1926 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not  
1927 isolated, but have the same or similar purposes, results, participants, victims, methods  
1928 of commission, or otherwise are interrelated by distinguishing characteristics. Taken  
1929 together, the episodes shall demonstrate continuing unlawful conduct and be related  
1930 either to each other or to the enterprise.  
1931 (e) "Control" means to add, remove, or change the placement of a drug, substance, or  
1932 immediate precursor under Section 58-37-3.

1933 (f)(i) "Controlled substance" means a drug or substance:

1934 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;

1935 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances

1936 Act, Title II, P.L. 91-513;

1937 (C) that is a controlled substance analog; or

1938 (D) listed in Section 58-37-4.2.

1939 (ii) "Controlled substance" does not include:

1940 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title

1941 32B, Alcoholic Beverage Control Act;

1942 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,

1943 or prevention of disease in human or other animals, which contains ephedrine,

1944 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is

1945 lawfully purchased, sold, transferred, or furnished as an over-the-counter

1946 medication without prescription; or

1947 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances

1948 including concentrates or extracts, which:

1949 (I) are not otherwise regulated by law; and

1950 (II) may contain naturally occurring amounts of chemical or substances listed

1951 in this chapter, or in rules adopted [pursuant to] in accordance with Title

1952 63G, Chapter 3, Utah Administrative Rulemaking Act.

1953 (g)(i) "Controlled substance analog" means:

1954 (A) a substance the chemical structure of which is substantially similar to the

1955 chemical structure of a controlled substance listed in Schedules I and II of

1956 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and

1957 II of the federal Controlled Substances Act, Title II, P.L. 91-513;

1958 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the

1959 central nervous system substantially similar to the stimulant, depressant, or

1960 hallucinogenic effect on the central nervous system of controlled substances

1961 listed in Schedules I and II of Section 58-37-4, substances listed in Section

1962 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled

1963 Substances Act, Title II, P.L. 91-513; or

1964 (C) A substance that, with respect to a particular individual, is represented or

1965 intended to have a stimulant, depressant, or hallucinogenic effect on the central

1966 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;

2001 (B) Chapter 37a, Utah Drug Paraphernalia Act;

2002 (C) Chapter 37b, Imitation Controlled Substances Act;

2003 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or

2004 (E) Chapter 37d, Clandestine Drug Lab Act.

2005 (i) "Counterfeit substance" means:

2006 (i) any controlled substance or container or labeling of any controlled substance that:

2007 (A) without authorization bears the trademark, trade name, or other identifying

2008 mark, imprint, number, device, or any likeness of them, of a manufacturer,

2009 distributor, or dispenser other than the person ~~[or persons who]~~ that in fact

2010 manufactured, distributed, or dispensed the substance which falsely purports to

2011 be a controlled substance distributed by any other manufacturer, distributor, or

2012 dispenser; and

2013 (B) a reasonable person would believe to be a controlled substance distributed by

2014 an authorized manufacturer, distributor, or dispenser based on the appearance

2015 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of

2016 the container of that controlled substance; or

2017 (ii) any substance other than under Subsection (1)(i)(i) that:

2018 (A) is falsely represented to be any legally or illegally manufactured controlled

2019 substance; and

2020 (B) a reasonable person would believe to be a legal or illegal controlled substance.

2021 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a

2022 controlled substance or a listed chemical, whether or not an agency relationship exists.

2023 (k) "Department" means the Department of Commerce.

2024 (l) "Depressant or stimulant substance" means:

2025 (i) a drug which contains any quantity of barbituric acid or any of the salts of

2026 barbituric acid;

2027 (ii) a drug which contains any quantity of:

2028 (A) amphetamine or any of its optical isomers;

2029 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

2030 (C) any substance which the Secretary of Health and Human Services or the

2031 Attorney General of the United States after investigation has found and by

2032 regulation designated habit-forming because of its stimulant effect on the

2033 central nervous system;

2034 (iii) lysergic acid diethylamide; or

2035 (iv) any drug which contains any quantity of a substance which the Secretary of  
2036 Health and Human Services or the Attorney General of the United States after  
2037 investigation has found to have, and by regulation designated as having, a  
2038 potential for abuse because of its depressant or stimulant effect on the central  
2039 nervous system or its hallucinogenic effect.

2040 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an  
2041 ultimate user ~~[pursuant to]~~ in accordance with the lawful order or prescription of a  
2042 practitioner, and includes distributing to, leaving with, giving away, or disposing of  
2043 that substance as well as the packaging, labeling, or compounding necessary to  
2044 prepare the substance for delivery.

2045 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.

2046 (o) "Distribute" means to deliver other than by administering or dispensing a controlled  
2047 substance or a listed chemical.

2048 (p) "Distributor" means a ~~[person who]~~ person that distributes controlled substances.

2049 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.

2050 (r)(i) "Drug" means:  
2051 (A) a substance recognized in the official United States Pharmacopoeia, Official  
2052 Homeopathic Pharmacopoeia of the United States, or Official National  
2053 Formulary, or any supplement to any of them, intended for use in the  
2054 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or  
2055 animals;  
2056 (B) a substance that is required by any applicable federal or state law or rule to be  
2057 dispensed by prescription only or is restricted to administration by practitioners  
2058 only;  
2059 (C) a substance other than food intended to affect the structure or any function of  
2060 the body of humans or other animals; and  
2061 (D) substances intended for use as a component of any substance specified in  
2062 Subsections (1)(r)(i)(A), (B), and (C).  
2063 (ii) "Drug" does not include dietary supplements.  
2064 (iii) "Drug" includes a food intended for human consumption that intentionally  
2065 contains a vaccine or vaccine material as provided in Section 4-5-107.

2066 (s) "Drug dependent person" means any individual who unlawfully and habitually uses  
2067 any controlled substance to endanger the public morals, health, safety, or welfare, or  
2068 who is so dependent upon the use of controlled substances as to have lost the power

2069 of self-control with reference to the individual's dependency.

2070 (t)(i) "Food" means:

2071 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug  
2072 as specified in this chapter, and normally ingested by human beings; and  
2073 (B) foods for special dietary uses as exist by reason of a physical, physiological,  
2074 pathological, or other condition including the conditions of disease,  
2075 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,  
2076 underweight, and overweight; uses for supplying a particular dietary need  
2077 which exist by reason of age including the ages of infancy and childbirth, and  
2078 also uses for supplementing and for fortifying the ordinary or unusual diet with  
2079 any vitamin, mineral, or other dietary property for use of a food.

2080 (ii) Any particular use of a food is a special dietary use regardless of the nutritional  
2081 purposes.

2082 (u) "Immediate precursor" means a substance which the Attorney General of the United  
2083 States has found to be, and by regulation designated as being, the principal compound  
2084 used or produced primarily for use in the manufacture of a controlled substance, or  
2085 which is an immediate chemical intermediary used or likely to be used in the  
2086 manufacture of a controlled substance, the control of which is necessary to prevent,  
2087 curtail, or limit the manufacture of the controlled substance.

2088 (v) "Indian" means a member of an Indian tribe.

2089 (w) "Indian religion" means a religion:

2090 (i) the origin and interpretation of which is from within a traditional Indian culture or  
2091 community; and

2092 (ii) that is practiced by Indians.

2093 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or  
2094 community of Indians, including any Alaska Native village, which is legally  
2095 recognized as eligible for and is consistent with the special programs, services, and  
2096 entitlements provided by the United States to Indians because of their status as  
2097 Indians.

2098 (y) "Manufacture" means the production, preparation, propagation, compounding, or  
2099 processing of a controlled substance, either directly or indirectly by extraction from  
2100 substances of natural origin, or independently by means of chemical synthesis or by a  
2101 combination of extraction and chemical synthesis.

2102 (z) "Manufacturer" includes any person who person that packages, repackages, or

2103 labels any container of any controlled substance, except pharmacists who dispense or  
2104 compound prescription orders for delivery to the ultimate consumer.

2105 (aa)(i) "Marijuana" means all species of the genus cannabis and all parts of the genus,  
2106 whether growing or not, including:

- 2107 (A) seeds;
- 2108 (B) resin extracted from any part of the plant, including the resin extracted from  
2109 the mature stalks;
- 2110 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the  
2111 plant, seeds, or resin;
- 2112 (D) any synthetic equivalents of the substances contained in the plant cannabis  
2113 sativa or any other species of the genus cannabis which are chemically  
2114 indistinguishable and pharmacologically active; and
- 2115 (E) any component part or cannabinoid extracted or isolated from the plant,  
2116 including extracted or isolated tetrahydrocannabinols.

2117 (ii) "Marijuana" does not include:

- 2118 (A) the mature stalks of the plant;
- 2119 (B) fiber produced from the stalks;
- 2120 (C) oil or cake made from the seeds of the plant;
- 2121 (D) except as provided in Subsection (1)(aa)(i), any other compound,  
2122 manufacture, salt, derivative, mixture, or preparation of the mature stalks,  
2123 fiber, oil or cake;
- 2124 (E) the sterilized seed of the plant which is incapable of germination;
- 2125 (F) any compound, mixture, or preparation approved by the federal Food and  
2126 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21  
2127 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances  
2128 in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L.  
2129 91-513; or
- 2130 (G) transportable industrial hemp concentrate as that term is defined in Section  
2131 4-41-102.

2132 (bb) "Money" means officially issued coin and currency of the United States or any  
2133 foreign country.

2134 (cc) "Narcotic drug" means any of the following, whether produced directly or indirectly  
2135 by extraction from substances of vegetable origin, or independently by means of  
2136 chemical synthesis, or by a combination of extraction and chemical synthesis:

2137 (i) opium, coca leaves, and opiates;

2138 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,

2139 or opiates;

2140 (iii) opium poppy and poppy straw; or

2141 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of

2142 the substance, which is chemically identical with any of the substances referred to

2143 in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include

2144 decocainized coca leaves or extracts of coca leaves which do not contain cocaine

2145 or ecgonine.

2146 (dd) "Negotiable instrument" means documents, containing an unconditional promise to

2147 pay a sum of money, which are legally transferable to another party by endorsement

2148 or delivery.

2149 (ee) "Opiate" means any drug or other substance having an addiction-forming or

2150 addiction-sustaining liability similar to morphine or being capable of conversion into

2151 a drug having addiction-forming or addiction-sustaining liability.

2152 (ff) "Opium poppy" means the plant of the species papaver somniferum L., except the

2153 seeds of the plant.

2154 (gg) "Person" means any corporation, association, partnership, trust, other institution or

2155 entity or one or more individuals.

2156 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

2157 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,

2158 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing,

2159 injection, or consumption, as distinguished from distribution, of controlled

2160 substances and includes individual, joint, or group possession or use of controlled

2161 substances. For a person to be a possessor or user of a controlled substance, it is not

2162 required that the person be shown to have individually possessed, used, or controlled

2163 the substance, but it is sufficient if it is shown that the person jointly participated with

2164 one or more persons in the use, possession, or control of any substances with

2165 knowledge that the activity was occurring, or the controlled substance is found in a

2166 place or under circumstances indicating that the person had the ability and the intent

2167 to exercise dominion and control over the controlled substance.

2168 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian,

2169 pharmacist, scientific investigator, pharmacy, hospital, or other person licensed,

2170 registered, or otherwise permitted to distribute, dispense, conduct research with

2171 respect to, administer, or use in teaching or chemical analysis a controlled substance  
2172 in the course of professional practice or research in this state.

2173 (kk) "Prescribe" means to issue a prescription:

2174 (i) orally or in writing; or

2175 (ii) by telephone, facsimile transmission, computer, or other electronic means of  
2176 communication as defined by division rule.

2177 (ll) "Prescription" means an order issued:

2178 (i) by a licensed practitioner, in the course of that practitioner's professional practice  
2179 or by collaborative pharmacy practice agreement; and

2180 (ii) for a controlled substance or other prescription drug or device for use by a patient  
2181 or an animal.

2182 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting  
2183 of a controlled substance.

2184 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of  
2185 property.

2186 (oo) "State" means the state of Utah.

2187 (pp) "Ultimate user" means ~~[any person who]~~ a person that lawfully possesses a  
2188 controlled substance for the person's own use, for the use of a member of the person's  
2189 household, or for administration to an animal owned by the person or a member of  
2190 the person's household.

2191 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah  
2192 Criminal Code, shall apply.

2193 Section 41. Section **58-37-10** is amended to read:

2194 **58-37-10 (Effective 07/01/26). Search warrants -- Administrative inspection  
2195 warrants -- Inspections and seizures of property without warrant.**

2196 (1) Search warrants relating to offenses involving controlled substances may be authorized [  
2197 ~~pursuant~~] in accordance with to the Utah Rules of Criminal Procedure.

2198 (2) Issuance and execution of administrative inspection warrants shall be as follows:

2199 (a)(i) ~~[Any]~~ any judge or magistrate of this state ~~[within his]~~ with jurisdiction upon  
2200 proper oath or affirmation showing probable cause, may issue ~~[warrants]~~ a warrant  
2201 for the purpose of conducting an administrative ~~[inspections]~~ inspection authorized  
2202 by this act or regulations thereunder and seizures of property appropriate to such ~~[~~  
2203 ~~inspections.]~~ an inspection; and

2204 (ii) ~~[Probable]~~ probable cause for purposes of this act exists upon showing a valid

2205 public interest in the effective enforcement of the act or rules promulgated  
2206 thereunder sufficient to justify administrative inspection of the area, premises,  
2207 building, or conveyance in the circumstances specified in the application for the  
2208 warrant[.] ;

2209 (b)(i) [A-] a warrant shall issue only upon an affidavit of an officer or employee duly  
2210 designated and having knowledge of the facts alleged sworn to before a judge or  
2211 magistrate which establish the grounds for issuing the warrant[.] ;  
2212 (ii) [If] if the judge or magistrate is satisfied that grounds for the application exist or  
2213 that there is probable cause to believe [they] that grounds for the application exist, [  
2214 he] the judge or magistrate shall issue a warrant identifying the area, premises,  
2215 building, or conveyance to be inspected, the purpose of the inspection, and if  
2216 appropriate, the type of property to be inspected<sup>[, if any.]</sup> ; and  
2217 (iii) [The-] the warrant shall:  
2218 (i) (A) state the grounds for [its] the warrant's issuance and the name of each [  
2219 person] individual whose affidavit has been taken to support [it] the warrant;  
2220 (ii) (B) be directed to a person authorized by Section 58-37-9 of this act to  
2221 execute [it] the warrant;  
2222 (iii) (C) command the person to whom [it] the warrant is directed to inspect the  
2223 area, premises, building, or conveyance identified for the purpose specified and  
2224 if appropriate, direct the seizure of the property [specified] the warrant specifies;  
2225 (iv) (D) identify the item or types of property to be seized, if any; and  
2226 (v) (E) direct that [it-] the warrant be served during normal business hours and  
2227 designate the judge or magistrate to whom [it] the warrant shall be returned[.] ;  
2228 (c)(i) [A-] a warrant issued [pursuant to] in accordance with this section [must] shall  
2229 be executed and returned within 10 days after [its] the warrant's date unless, upon a  
2230 showing of a need for additional time, the court instructs otherwise in the warrant[.] ;  
2231 (ii) [If] if property is seized [pursuant to] in accordance with a warrant, the person  
2232 executing the warrant shall give to the person from whom or from whose premises  
2233 the property was taken a copy of the warrant and a receipt for the property taken  
2234 or leave the copy of the warrant and a receipt for the property taken at the place [  
2235 where] from which the property was taken[.] ;  
2236 (iii) [Return] return of the warrant shall be made promptly and be accompanied by a  
2237 written inventory of any property taken[.] ;  
2238 (iv) [The] the inventory shall be made in the presence of the [person] individual

2239 executing the warrant and of the [person] individual from whose possession or  
2240 premises the property was taken, if [they are] that individual is present, or in the  
2241 presence of at least one credible [person] individual other than the [person]  
2242 executing the warrant[.] ; and

2243 (v) [A] a copy of the inventory shall be delivered to the [person] individual from  
2244 whom or from whose premises the property was taken and to the applicant for the  
2245 warrant[.] ;

2246 (d) [The] the judge or magistrate who [issued] issues the warrant under this section shall  
2247 attach a copy of the return and all other papers to the warrant and file [them] the  
2248 papers and warrant with the court.

2249 (3) The department is authorized to make administrative inspections of controlled premises  
2250 in accordance with the following provisions:

2251 (a) For purposes of this section only, "controlled premises" means:

2252 (i) [Places] places where persons licensed or exempted from licensing requirements  
2253 under this act are required to keep records.

2254 (ii) [Places] places including factories, warehouses, establishments, and conveyances  
2255 where persons licensed or exempted from licensing requirements are permitted to  
2256 possess, manufacture, compound, process, sell, deliver, or otherwise dispose of  
2257 any controlled substance.

2258 (b) When authorized by an administrative inspection warrant a law enforcement officer  
2259 or employee designated in Section 58-37-9, upon presenting the warrant and  
2260 appropriate credentials to the owner, operator, or agent in charge, has the right to  
2261 enter controlled premises for the purpose of conducting an administrative inspection.

2262 (c) When authorized by an administrative inspection warrant, a law enforcement officer  
2263 or employee designated in Section 58-37-9 has the right:

2264 (i) [To] to inspect and copy records required by this chapter.

2265 (ii) [To] to inspect within reasonable limits and a reasonable manner, the controlled  
2266 premises and all pertinent equipment, finished and unfinished material, containers,  
2267 and labeling found, and except as provided in Subsection (3)(e), all other things  
2268 including records, files, papers, processes, controls, and facilities subject to  
2269 regulation and control by this chapter or by rules promulgated by the department.

2270 (iii) [To] to inventory and take stock of any controlled substance and obtain samples  
2271 of any substance.

2272 (d) This section shall not be construed to prevent the inspection of books and records

2273 without a warrant [~~pursuant to~~] in accordance with an administrative subpoena issued  
2274 by a court or the department nor shall [it] this section be construed to prevent entries  
2275 and administrative inspections including seizures of property without a warrant:  
2276 (i) with the consent of the owner, operator, or agent in charge of the controlled  
2277 premises;  
2278 (ii) in situations presenting imminent danger to health or safety;  
2279 (iii) in situations involving inspection of conveyances where there is reasonable cause  
2280 to believe that the mobility of the conveyance makes [it] obtaining a warrant  
2281 impracticable[ to obtain a warrant];  
2282 (iv) in any other exceptional or emergency circumstance where time or opportunity to  
2283 apply for a warrant is lacking; and  
2284 (v) in all other situations where a warrant is not constitutionally required.

2285 (e) No inspection authorized by this section shall extend to financial data, sales data,  
2286 other than shipment data, or pricing data unless the owner, operator, or agent in  
2287 charge of the controlled premises consents in writing.

2288 Section 42. Section **58-37c-8** is amended to read:

2289 **58-37c-8 (Effective 07/01/26). License -- Exceptions from licensure or regulation.**

2290 (1) A person engaged in a regulated transaction under this chapter shall hold a controlled  
2291 substance precursor license issued under Section 58-37c-7, unless excepted from  
2292 licensure under this chapter.

2293 (2) The division shall:

2294 (a) establish the form of application for a license, the requirements for licensure, and  
2295 fees for initial licensure and renewal; and

2296 (b) identify required information to be contained in the application as a condition of  
2297 licensure.

2298 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled  
2299 Substance Registration issued by the Drug Enforcement Administration of the [U.S.]  
2300 United States [Government] government is excepted from licensure under this chapter.

2301 (4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in  
2302 the diagnosis, cure, mitigation, treatment, or prevention of disease in [man] humans or  
2303 other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or  
2304 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished  
2305 as an over-the-counter medication without prescription [~~pursuant to~~] in accordance with  
2306 the federal Food, Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations

2307 adopted under that act, are excepted from licensure, reporting, and recordkeeping under  
2308 this chapter, except that products containing ephedrine, pseudoephedrine, or  
2309 phenylpropanolamine are subject to Section 58-37c-20.5.

2310 (5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins,  
2311 minerals, herbs, or other similar substances, including concentrates or extracts, which  
2312 are not otherwise prohibited by law, and which may contain naturally occurring amounts  
2313 of chemicals or substances listed in this chapter, or in rules adopted [pursuant to] in  
2314 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt  
2315 from licensure under this chapter.

2316 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required  
2317 to be licensed as a regulated purchaser if the transaction complies with Section 58-37c-18.

2318 (7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a  
2319 precursor chemical listed in Subsection 58-37c-3(1)(ff) or (gg) and that is not intended  
2320 for human consumption is exempt from licensure or regulation and is not subject to  
2321 criminal penalties under this chapter.

2322 Section 43. Section **58-37c-17** is amended to read:

2323 **58-37c-17 (Effective 07/01/26). Inspection authority.**

2324 For the purpose of inspecting, copying, and auditing records and reports required under  
2325 this chapter and rules adopted pursuant thereto, and for the purpose of inspecting and auditing  
2326 inventories of listed controlled substance precursors, the director, or [his] the director's  
2327 authorized agent, and law enforcement personnel of any federal, state, or local law  
2328 enforcement agency is authorized to enter the premises of regulated distributors and regulated  
2329 purchasers during normal business hours to conduct administrative inspections.

2330 Section 44. Section **58-37f-301** is amended to read:

2331 **58-37f-301 (Effective 07/01/26). Access to database.**

2332 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2333 Administrative Rulemaking Act, to:  
2334 (a) effectively enforce the limitations on access to the database as described in this part;  
2335 and  
2336 (b) establish standards and procedures to ensure accurate identification of individuals  
2337 requesting information or receiving information without request from the database.

2338 (2) The division shall make information in the database and information obtained from  
2339 other state or federal prescription monitoring programs by means of the database  
2340 available only to the following individuals, in accordance with the requirements of this

2341 chapter and division rules:

2342 (a)(i) personnel of the division specifically assigned to conduct investigations related  
2343 to controlled substance laws under the jurisdiction of the division; and  
2344 (ii) the following law enforcement officers, but the division may only provide  
2345 nonidentifying information, limited to gender, year of birth, and postal ZIP code,  
2346 regarding individuals for whom a controlled substance has been prescribed or to  
2347 whom a controlled substance has been dispensed:  
2348 (A) a law enforcement agency officer who is engaged in a joint investigation with  
2349 the division; and  
2350 (B) a law enforcement agency officer to whom the division has referred a  
2351 suspected criminal violation of controlled substance laws;  
2352 (b) authorized division personnel engaged in analysis of controlled substance  
2353 prescription information as a part of the assigned duties and responsibilities of their  
2354 employment;  
2355 (c) a board member if:  
2356 (i) the board member is assigned to monitor a licensee on probation; and  
2357 (ii) the board member is limited to obtaining information from the database regarding  
2358 the specific licensee on probation;  
2359 (d) a person the division authorizes to obtain that information on behalf of the Utah  
2360 Professionals Health Program established in Subsection 58-4a-103(1) if:  
2361 (i) the person the division authorizes is limited to obtaining information from the  
2362 database regarding the [person whose] individual whose conduct is the subject of  
2363 the division's consideration; and  
2364 (ii) the conduct that is the subject of the division's consideration includes a violation  
2365 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another  
2366 relevant violation or potential violation under this title;  
2367 (e) in accordance with a written agreement entered into with the department, employees  
2368 of the Department of Health and Human Services:  
2369 (i) whom the director of the Department of Health and Human Services assigns to  
2370 conduct scientific studies regarding the use or abuse of controlled substances, if  
2371 the identity of the individuals and pharmacies in the database are confidential and  
2372 are not disclosed in any manner to any individual who is not directly involved in  
2373 the scientific studies;  
2374 (ii) when the information is requested by the Department of Health and Human

2375 Services in relation to a person or provider whom the Department of Health and  
2376 Human Services suspects may be improperly obtaining or providing a controlled  
2377 substance; or

2378 (iii) in the medical examiner's office;

2379 (f) in accordance with a written agreement entered into with the department, a designee  
2380 of the director of the Department of Health and Human Services, who is not an  
2381 employee of the Department of Health and Human Services, whom the director of the  
2382 Department of Health and Human Services assigns to conduct scientific studies  
2383 regarding the use or abuse of controlled substances [pursuant to] in accordance with  
2384 an application process established in rule by the Department of Health and Human  
2385 Services, if:

2386 (i) the designee provides explicit information to the Department of Health and  
2387 Human Services regarding the purpose of the scientific studies;

2388 (ii) the scientific studies to be conducted by the designee:

2389 (A) fit within the responsibilities of the Department of Health and Human  
2390 Services for health and welfare;

2391 (B) are reviewed and approved by an Institutional Review Board that is approved  
2392 for human subject research by the United States Department of Health and  
2393 Human Services;

2394 (C) are not conducted for profit or commercial gain; and

2395 (D) are conducted in a research facility, as defined by division rule, that is  
2396 associated with a university or college accredited by one or more regional or  
2397 national accrediting agencies recognized by the United States Department of  
2398 Education;

2399 (iii) the designee protects the information as a business associate of the Department  
2400 of Health and Human Services; and

2401 (iv) the identity of the prescribers, patients, and pharmacies in the database are  
2402 de-identified, confidential, and not disclosed in any manner to the designee or to  
2403 any individual who is not directly involved in the scientific studies;

2404 (g) in accordance with a written agreement entered into with the department and the  
2405 Department of Health and Human Services, authorized employees of a managed care  
2406 organization, as defined in 42 C.F.R. Sec. 438, if:

2407 (i) the managed care organization contracts with the Department of Health and  
2408 Human Services under the provisions of Section 26B-3-202 and the contract

2409 includes provisions that:

2410 (A) require a managed care organization employee who will have access to  
2411 information from the database to submit to a criminal background check; and  
2412 (B) limit the authorized employee of the managed care organization to requesting  
2413 either the division or the Department of Health and Human Services to conduct  
2414 a search of the database regarding a specific Medicaid enrollee and to report  
2415 the results of the search to the authorized employee; and

2416 (ii) the information is requested by an authorized employee of the managed care  
2417 organization in relation to ~~[a person who]~~ an individual who is enrolled in the  
2418 Medicaid program with the managed care organization, and the managed care  
2419 organization suspects the ~~[person]~~ individual may be improperly obtaining or  
2420 providing a controlled substance;

2421 (h) a licensed practitioner having authority to prescribe controlled substances, to the  
2422 extent the information:

2423 (i)(A) relates specifically to a current or prospective patient of the practitioner; and  
2424 (B) is provided to or sought by the practitioner for the purpose of:

2425 (I) prescribing or considering prescribing any controlled substance to the  
2426 current or prospective patient;

2427 (II) diagnosing the current or prospective patient;

2428 (III) providing medical treatment or medical advice to the current or  
2429 prospective patient; or

2430 (IV) determining whether the current or prospective patient:

2431 (Aa) is attempting to fraudulently obtain a controlled substance from the  
2432 practitioner; or

2433 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a  
2434 controlled substance from the practitioner;

2435 (ii)(A) relates specifically to a former patient of the practitioner; and

2436 (B) is provided to or sought by the practitioner for the purpose of determining  
2437 whether the former patient has fraudulently obtained, or has attempted to  
2438 fraudulently obtain, a controlled substance from the practitioner;

2439 (iii) relates specifically to an individual who has access to the practitioner's Drug  
2440 Enforcement Administration identification number, and the practitioner suspects  
2441 that the individual may have used the practitioner's Drug Enforcement  
2442 Administration identification number to fraudulently acquire or prescribe a

2443 controlled substance;

2444 (iv) relates to the practitioner's own prescribing practices, except when specifically

2445 prohibited by the division by administrative rule;

2446 (v) relates to the use of the controlled substance database by an employee of the

2447 practitioner, described in Subsection (2)(i); or

2448 (vi) relates to any use of the practitioner's Drug Enforcement Administration

2449 identification number to obtain, attempt to obtain, prescribe, or attempt to

2450 prescribe, a controlled substance;

2451 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in

2452 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

2453 (i) the employee is designated by the practitioner as an individual authorized to

2454 access the information on behalf of the practitioner;

2455 (ii) the practitioner provides written notice to the division of the identity of the

2456 employee; and

2457 (iii) the division[:] grants the employee access to the database;

2458 [(A) grants the employee access to the database; and]

2459 [(B) ~~provides the employee with a password that is unique to that employee to~~

2460 ~~access the database in order to permit the division to comply with the~~

2461 ~~requirements of Subsection 58-37f-203(7) with respect to the employee;~~]

2462 (j) an employee of the same business that employs a licensed practitioner under

2463 Subsection (2)(h) if:

2464 (i) the employee is designated by the practitioner as an individual authorized to

2465 access the information on behalf of the practitioner;

2466 (ii) the practitioner and the employing business provide written notice to the division

2467 of the identity of the designated employee; and

2468 (iii) the division[:] grants the employee access to the database;

2469 [(A) grants the employee access to the database; and]

2470 [(B) ~~provides the employee with a password that is unique to that employee to~~

2471 ~~access the database in order to permit the division to comply with the~~

2472 ~~requirements of Subsection 58-37f-203(7) with respect to the employee;~~]

2473 (k) a licensed pharmacist having authority to dispense a controlled substance, or a

2474 licensed pharmacy intern or pharmacy technician working under the general

2475 supervision of a licensed pharmacist, to the extent the information is provided or

2476 sought for the purpose of:

2477 (i) dispensing or considering dispensing any controlled substance;

2478 (ii) determining whether a person:

2479 (A) is attempting to fraudulently obtain a controlled substance from the pharmacy,

2480 practitioner, or health care facility; or

2481 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled

2482 substance from the pharmacy, practitioner, or health care facility;

2483 (iii) reporting to the controlled substance database; or

2484 (iv) verifying the accuracy of the data submitted to the controlled substance database

2485 on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or

2486 pharmacy technician is employed;

2487 (l) [pursuant to] in accordance with a valid search warrant, federal, state, and local law

2488 enforcement officers and state and local prosecutors who are engaged in an

2489 investigation related to:

2490 (i) one or more controlled substances; and

2491 (ii) a specific [person who] person that is a subject of the investigation;

2492 (m) subject to Subsection (7), a probation or parole officer, employed by the Division of

2493 Adult Probation and Parole created in Section 64-14-202 or by a political

2494 subdivision, to gain access to database information necessary for the officer's

2495 supervision of a specific probationer or parolee who is under the officer's direct

2496 supervision;

2497 (n) employees of the Office of Internal Audit within the Department of Health and

2498 Human Services who are engaged in their specified duty of ensuring Medicaid

2499 program integrity under Section 26B-3-104;

2500 (o) a mental health therapist, if:

2501 (i) the information relates to a patient who is:

2502 (A) enrolled in a licensed substance abuse treatment program; and

2503 (B) receiving treatment from, or under the direction of, the mental health therapist

2504 as part of the patient's participation in the licensed substance abuse treatment

2505 program described in Subsection (2)(o)(i)(A);

2506 (ii) the information is sought for the purpose of determining whether the patient is

2507 using a controlled substance while the patient is enrolled in the licensed substance

2508 abuse treatment program described in Subsection (2)(o)(i)(A); and

2509 (iii) the licensed substance abuse treatment program described in Subsection

2510 (2)(o)(i)(A) is associated with a practitioner who:

2511 (A) is a physician, a physician assistant, an advance practice registered nurse, or a  
2512 pharmacist; and  
2513 (B) is available to consult with the mental health therapist regarding the  
2514 information obtained by the mental health therapist, under this Subsection  
2515 (2)(o), from the database;

2516 (p) an individual who is the recipient of a controlled substance prescription entered into  
2517 the database, upon providing evidence satisfactory to the division that the individual  
2518 requesting the information is in fact the individual about whom the data entry was  
2519 made;

2520 (q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the  
2521 persons and entities that have requested or received any information from the  
2522 database regarding the individual, except if the individual's record is subject to a  
2523 pending or current investigation as authorized under this Subsection (2);

2524 (r) the inspector general, or a designee of the inspector general, of the Office of  
2525 Inspector General of Medicaid Services, for the purpose of fulfilling the duties  
2526 described in Title 63A, Chapter 13, Part 2, Office and Powers;

2527 (s) the following licensed physicians for the purpose of reviewing and offering an  
2528 opinion on an individual's request for workers' compensation benefits under Title  
2529 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah  
2530 Occupational Disease Act:  
2531 (i) a member of the medical panel described in Section 34A-2-601;  
2532 (ii) a physician employed as medical director for a licensed workers' compensation  
2533 insurer or an approved self-insured employer; or  
2534 (iii) a physician offering a second opinion regarding treatment;

2535 (t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a  
2536 specific fatality due to opioid use and recommending policies to reduce the frequency  
2537 of opioid use fatalities;

2538 (u) a licensed pharmacist who is authorized by a managed care organization as defined  
2539 in Section 31A-1-301 to access the information on behalf of the managed care  
2540 organization, if:  
2541 (i) the managed care organization believes that an enrollee of the managed care  
2542 organization has obtained or provided a controlled substance in violation of a  
2543 medication management program contract between the enrollee and the managed  
2544 care organization; and

2545 (ii) the managed care organization included a description of the medication  
2546 management program in the enrollee's outline of coverage described in Subsection  
2547 31A-22-605(7); and

2548 (v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose  
2549 of investigating active cases, in exercising the unit's authority to investigate and  
2550 prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec.  
2551 1396b(q).

2552 (3)(a) A practitioner described in Subsection (2)(h) may designate one or more  
2553 employees to access information from the database under Subsection (2)(i), (2)(j), or  
2554 (4)(c).

2555 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2556 Administrative Rulemaking Act, to:

2557 (i) establish background check procedures to determine whether an employee  
2558 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the  
2559 database;

2560 (ii) establish the information to be provided by an emergency department employee  
2561 under Subsection (4); and

2562 (iii) facilitate providing controlled substance prescription information to a third party  
2563 under Subsection (5).

2564 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or  
2565 (4)(c) access to the database, unless the division determines, based on a background  
2566 check, that the employee poses a security risk to the information contained in the  
2567 database.

2568 (4)(a) An individual who is employed in the emergency department of a hospital may  
2569 exercise access to the database under this Subsection (4) on behalf of a licensed  
2570 practitioner if the individual is designated under Subsection (4)(c) and the licensed  
2571 practitioner:

2572 (i) is employed or privileged to work in the emergency department;  
2573 (ii) is treating an emergency department patient for an emergency medical condition;  
2574 and

2575 (iii) requests that an individual employed in the emergency department and  
2576 designated under Subsection (4)(c) obtain information regarding the patient from  
2577 the database as needed in the course of treatment.

2578 (b) The emergency department employee obtaining information from the database shall,

2579 when gaining access to the database, provide to the database the name and any  
2580 additional identifiers regarding the requesting practitioner as required by division  
2581 administrative rule established under Subsection (3)(b).

2582 (c) An individual employed in the emergency department under this Subsection (4) may  
2583 obtain information from the database as provided in Subsection (4)(a) if:  
2584 (i) the employee is designated by the hospital as an individual authorized to access  
2585 the information on behalf of the emergency department practitioner;  
2586 (ii) the hospital operating the emergency department [provide] provides written notice  
2587 to the division of the identity of the designated employee; and  
2588 (iii) the division:  
2589 (A) grants the employee access to the database; and  
2590 (B) provides the employee with a password that is unique to that employee to  
2591 access the database.

2592 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a  
2593 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to  
2594 pay for the costs incurred by the division to conduct the background check and make  
2595 the determination described in Subsection (3)(b).

2596 (5)(a)(i) An individual may request that the division provide the information under  
2597 Subsection (5)(b) to a third party who is designated by the individual each time a  
2598 controlled substance prescription for the individual is dispensed.  
2599 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise  
2600 the individual in writing that the individual may direct the division to discontinue  
2601 providing the information to a third party and that notice of the individual's  
2602 direction to discontinue will be provided to the third party.

2603 (b) The information the division shall provide under Subsection (5)(a) is:  
2604 (i) the fact a controlled substance has been dispensed to the individual, but without  
2605 identifying the controlled substance; and  
2606 (ii) the date the controlled substance was dispensed.

2607 (c)(i) An individual who has made a request under Subsection (5)(a) may direct that  
2608 the division discontinue providing information to the third party.  
2609 (ii) The division shall:  
2610 (A) notify the third party that the individual has directed the division to no longer  
2611 provide information to the third party; and  
2612 (B) discontinue providing information to the third party.

2613 (6)(a) An individual who is granted access to the database based on the fact that the  
2614 individual is a licensed practitioner or a mental health therapist shall be denied access  
2615 to the database when the individual is no longer licensed.

2616 (b) An individual who is granted access to the database based on the fact that the  
2617 individual is a designated employee of a licensed practitioner shall be denied access  
2618 to the database when the practitioner is no longer licensed.

2619 (7) A probation or parole officer is not required to obtain a search warrant to access the  
2620 database in accordance with Subsection (2)(m).

2621 (8) The division shall review and adjust the database programming which automatically  
2622 logs off an individual who is granted access to the database under Subsections (2)(h),  
2623 (2)(i), (2)(j), and (4)(c) to maximize the following objectives:  
2624 (a) to protect patient privacy;  
2625 (b) to reduce inappropriate access; and  
2626 (c) to make the database more useful and helpful to a person accessing the database  
2627 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations  
2628 such as an emergency department.

2629 (9) [Any person who] A person that knowingly and intentionally accesses the database  
2630 without express authorization under this section is guilty of a class A misdemeanor.  
2631 Section 45. Section **58-37f-303** is amended to read:  
2632 **58-37f-303 (Effective 07/01/26). Access to controlled substance prescription  
2633 information via an electronic data system.**  
2634 (1) As used in this section:  
2635 (a) "Controlled substance" means any substance listed in Subsection 58-37-4(2)(b)  
2636 through (2)(e).  
2637 (b) "Dispense" means the same as that term is defined in Section 58-17b-102.  
2638 [(b)] (c) "EDS user":  
2639 (i) means:  
2640 (A) a prescriber;  
2641 (B) a pharmacist;  
2642 (C) a pharmacy intern;  
2643 (D) a pharmacy technician; or  
2644 (E) an individual granted access to the database under Subsection 58-37f-301(3)(c);  
2645 and  
2646 (ii) does not mean an individual whose access to the database has been revoked by

2647 the division [pursuant to] in accordance with Subsection 58-37f-301(5)(c).

2648 [(e)] (d) "Electronic data system" means a software product or an electronic service used  
2649 by:

- (i) a prescriber to manage electronic health records; or
- (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general  
2652 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.

2655 [(d) "Opioid" means any substance listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).]

2656 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.

2657 (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is  
2658 licensed under Section 58-37-6 to prescribe [an opioid] a controlled substance.

2659 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

2660 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall  
2661 make [opioid] controlled substance prescription information in the database available to  
2662 an EDS user via the user's electronic data system.

2663 (3) An electronic data system may be used to make [opioid] controlled substance  
2664 prescription information in the database available to an EDS user only if the electronic  
2665 data system complies with rules [established by the division under] the division makes in  
2666 accordance with Subsection (4).

2667 (4)(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
2668 Administrative Rulemaking Act, specifying:

2669 (i) an electronic data system's:

- (A) allowable access to and use of [opioid] controlled substance prescription  
2670 information in the database; and
- (B) minimum actions that [must] shall be taken to ensure that [opioid] controlled  
2673 substance prescription information accessed from the database is protected  
2674 from inappropriate disclosure or use; and

2675 (ii) an EDS user's:

- (A) allowable access to [opioid] controlled substance prescription information in  
2676 the database via an electronic data system; and
- (B) allowable use of the information.

2679 (b) The rules shall establish:

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

2681 database identification requirements in Section 58-37f-301;

2682 (ii) user access restrictions that in substance are the same as the database

2683 identification requirements in Section 58-37f-301; and

2684 (iii) any other requirements necessary to ensure that in substance the provisions of

2685 Sections 58-37f-301 and 58-37f-302 apply to [opiod] controlled substance

2686 prescription information in the database that has been made available to an EDS

2687 user via an electronic data system.

2688 (5) The division may not make [opiod] controlled substance prescription information in the

2689 database available to an EDS user via the user's electronic data system if:

2690 (a) the electronic data system does not comply with the rules [established by the division

2691 under] the division makes in accordance with Subsection (4); or

2692 (b) the EDS user does not comply with the rules established by the division under

2693 Subsection (4).

2694 (6)(a) The division shall periodically audit the use of [opiod] controlled substance

2695 prescription information made available to an EDS user via the user's electronic data

2696 system.

2697 (b) The audit shall review compliance by:

2698 (i) the electronic data system with rules established by the division under Subsection

2699 (4); and

2700 (ii) the EDS user with rules established by the division under Subsection (4).

2701 (c)(i) If the division determines by audit or other means that an electronic data system

2702 is not in compliance with rules [established by the division under] the division

2703 makes in accordance with Subsection (4), the division shall immediately suspend

2704 or revoke the electronic data system's access to [opiod] controlled substance

2705 prescription information in the database.

2706 (ii) If the division determines by audit or other means that an EDS user is not in

2707 compliance with rules [established by the division under] the division makes in

2708 accordance with Subsection (4), the division shall immediately suspend or revoke

2709 the EDS user's access to [opiod] controlled substance prescription information in

2710 the database via an electronic data system.

2711 (iii) If the division suspends or revokes access to [opiod] controlled substance

2712 prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii),

2713 the division shall also take any other appropriate corrective or disciplinary action [

2714 authorized by] this chapter or title authorizes.

2715       Section 46. Section **58-37f-304** is amended to read:

2716       **58-37f-304 (Effective 07/01/26). Database utilization.**

2717       (1) As used in this section:

2718           (a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the  
2719           pharmacist's licensed intern, as described in Section 58-17b-304, or licensed  
2720           pharmacy technician, as described in Section 58-17b-305, working under the  
2721           supervision of a licensed pharmacist who is also licensed to dispense a controlled  
2722           substance under Title 58, Chapter 37, Utah Controlled Substances Act.

2723           (b) "Outpatient" means a setting in which an individual visits a licensed healthcare  
2724           facility or a healthcare provider's office for a diagnosis or treatment but is not  
2725           admitted to a licensed healthcare facility for an overnight stay.

2726           (c) "Prescriber" means an individual authorized to prescribe a controlled substance under  
2727           Title 58, Chapter 37, Utah Controlled Substances Act.

2728           (d) "Schedule II opioid" means those substances listed in Subsection 58-37-4(2)(b)(i) or  
2729           (2)(b)(ii).

2730           (e) "Schedule III opioid" means those substances listed in Subsection 58-37-4(2)(c) that  
2731           are opioids.

2732       (2)(a) A prescriber shall check the database for information about a patient before the  
2733           first time the prescriber gives a prescription to a patient for a Schedule II opioid or a  
2734           Schedule III opioid.

2735       (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to  
2736           a patient, the prescriber shall periodically review information about the patient in:  
2737           (i) the database; or  
2738           (ii) other similar records of controlled substances the patient has filled.

2739       (c) A prescriber may assign the access and review required under Subsection (2)(a) to  
2740           one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).

2741       (d)(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b)  
2742           by checking an electronic health record system if the electronic health record  
2743           system:  
2744           (A) is connected to the database through a connection that [has been approved by  
2745                   the division] the division approves; and  
2746           (B) displays the information from the database in a prominent manner for the  
2747                   prescriber.

2748       (ii) The division may not approve a connection to the database if the connection does

2749 not satisfy the requirements [established by the division under] the division makes  
2750 in accordance with Section 58-37f-301.

2751 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the  
2752 failure to comply with Subsection (2)(a) or (b):  
2753 (i) is necessary due to an emergency situation as the division defines by rule the  
2754 division makes in collaboration with the board and in accordance with Title 63G,  
2755 Chapter 3, Utah Administrative Rulemaking Act;  
2756 (ii) is caused by a suspension or disruption in the operation of the database; or  
2757 (iii) is caused by a failure in the operation or availability of the [Internet] internet.  
2758 (f) The division may not take action against the license of a prescriber for failure to  
2759 comply with this Subsection (2) unless the failure occurs after the earlier of:  
2760 (i) December 31, 2018; or  
2761 (ii) the date that the division has the capability to establish a connection that meets  
2762 the requirements [established by the division under] the division makes in  
2763 accordance with Section 58-37f-301 between the database and an electronic health  
2764 record system.  
2765 (3) The division shall, in collaboration with the licensing boards for prescribers and  
2766 dispensers:  
2767 (a) develop a system that gathers and reports to prescribers and dispensers the progress  
2768 and results of the prescriber's and dispenser's individual access and review of the  
2769 database, as provided in this section; and  
2770 (b) reduce or waive the division's continuing education requirements regarding opioid  
2771 prescriptions, described in Section 58-37-6.5, including the online tutorial and test  
2772 relating to the database, for prescribers and dispensers whose individual utilization of  
2773 the database, as [determined by the division] the division determines, demonstrates  
2774 substantial compliance with this section.  
2775 (4) If the dispenser's access and review of the database suggest that the individual seeking  
2776 an opioid may be obtaining opioids in quantities or frequencies inconsistent with  
2777 generally recognized standards as provided in this section and Section 58-37f-201, the  
2778 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's  
2779 informed, current, and professional decision regarding whether the prescribed opioid is  
2780 medically justified, notwithstanding the results of the database search.  
2781 (5)(a) The division shall review the database to identify any prescriber who has a pattern  
2782 of prescribing opioids not in accordance with the recommendations of:

2783 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the  
2784 Centers for Disease Control and Prevention;

2785 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,  
2786 published by the Department of Health and Human Services; or

2787 (iii) other publications describing best practices related to prescribing opioids as [  
2788 ~~identified by division~~] the division identifies in rule the division makes in  
2789 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
2790 in consultation with the Medical Licensing Board.

2791 (b) The division shall offer education to a prescriber identified under this Subsection (5)  
2792 regarding best practices in the prescribing of opioids.

2793 (c) A decision by a prescriber to accept or not accept the education [~~offered by the~~ the division offers under this Subsection (5) is voluntary.

2795 (d) The division may not use an identification the division has made under this  
2796 Subsection (5) or the decision by a prescriber to accept or not accept education [~~offered by the division~~ the division offers under this Subsection (5) in a licensing  
2797 investigation or action by the division.

2799 (e) Any record [~~created by the division~~ the division creates as a result of this Subsection  
2800 (5) is a protected record under Section 63G-2-305.

2801 (6) The division may consult with a prescriber or health care system to assist the prescriber  
2802 or health care system in following evidence-based guidelines regarding the prescribing  
2803 of controlled substances, including the recommendations listed in Subsection (5)(a).

2804 Section 47. Section **58-37f-402** is amended to read:

2805 **58-37f-402 (Effective 07/01/26). Online tutorial and test relating to the database**

2806 **-- Fees -- Rulemaking authority -- Continuing professional education credit.**

2807 (1) The division shall develop an online tutorial and an online test for registration to use the  
2808 database that provides instruction regarding, and tests, the following:

2809 (a) the purpose of the database;

2810 (b) how to access and use the database; and

2811 (c) the law relating to:

2812 (i) the use of the database; and

2813 (ii) the information submitted to, and obtained from, the database[; and].

2814 [(d) ~~basic knowledge that is important for all people who preseribe controlled substanees~~  
2815 ~~to know in order to help ensure the health and safety of an individual to whom a~~  
2816 ~~controlled substancce is prescribed.~~]

2817 (2) The division shall design the test described in this section as follows:

2818 (a) an individual shall answer all of the questions correctly in order to pass the test;

2819 (b) an individual shall be permitted to immediately retake the portion of the test that the

2820 individual answers incorrectly as many times as necessary for the individual to pass

2821 the test; and

2822 (c) after an individual takes the test, the test software shall:

2823 (i) immediately inform the individual of the number of questions that were answered

2824 incorrectly;

2825 (ii) provide the correct answers;

2826 (iii) replay the portion of the tutorial that relates to the incorrectly answered

2827 questions; and

2828 (iv) ask the individual the incorrectly answered questions again.

2829 (3) The division shall design the tutorial and test so that ~~it is possible to take the tutorial~~

2830 ~~and complete the test in 20 minutes or less~~ an individual may complete the tutorial and

2831 test within 20 minutes, if the individual answers all of the questions correctly on the first

2832 attempt.

2833 (4) The division shall ensure that the tutorial and test described in this section are fully

2834 functional and available for use online on or before November 1, 2010.

2835 (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an individual

2836 who takes the test described in this section, to pay the costs ~~[incurred by the division]~~ the

2837 division incurs to:

2838 (a) develop, implement, and administer the tutorial and test described in this section; and

2839 (b) fulfill the other duties imposed on the division under this part.

2840 (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah

2841 Administrative Rulemaking Act, to:

2842 (a) develop, implement, and administer the tutorial and test described in this section; and

2843 (b) fulfill the other duties imposed on the division under this part.

2844 (7) The Department of Health and Human Services shall assist the division in developing

2845 the portion of the test described in Subsection (1)(d).

2846 Section 48. Section **58-37f-702** is amended to read:

2847 **58-37f-702 (Effective 07/01/26). Reporting prescribed controlled substance**

2848 **poisoning or overdose to a practitioner.**

2849 (1)(a) The division shall take the actions described in Subsection (1)(b) if the division

2850 receives a report from a general acute hospital under Section 26B-2-225 regarding

2851 admission to a general acute hospital for poisoning or overdose involving a  
2852 prescribed controlled substance.

2853 (b) The division shall, within [three] five business days after the day on which a report in  
2854 Subsection (1)(a) is received:

2855 (i) attempt to identify, through the database, each practitioner who may have  
2856 prescribed the controlled substance to the patient; and

2857 (ii) [provide] alert each practitioner identified under Subsection (1)(b)(i) [with:]  
2858 concerning the information described in this Subsection (1).

2859 [(A) ~~a copy of the report provided by the general acute hospital under Section~~  
2860 ~~26B-2-225; and]~~]  
2861 [(B) ~~the information obtained from the database that led the division to determine~~  
2862 ~~that the practitioner receiving the information may have prescribed the~~  
2863 ~~controlled substance to the person named in the report.~~]

2864 (2)(a) When the division receives a report from the medical examiner under Section  
2865 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed  
2866 controlled substance, for each practitioner [identified by the medical examiner] the  
2867 medical examiner identifies under Subsection 26B-8-210(1)(c), the division:

2868 (i) shall, within five business days after the day on which the division receives the  
2869 report, provide the practitioner with a copy of the report; and

2870 (ii) may offer the practitioner an educational visit to review the report.

2871 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).

2872 (c) The division may not use, in a licensing investigation or action by the division:

2873 (i) information from an educational visit described in Subsection (2)(a)(ii); or

2874 (ii) a practitioner's decision to decline an educational visit described in Subsection  
2875 (2)(a)(ii).

2876 (3) It is the intent of the Legislature that the information provided under Subsection (1) or  
2877 (2) is provided for the purpose of assisting the practitioner in:

2878 (a) discussing with the patient or others issues relating to the poisoning or overdose;

2879 (b) advising the patient or others of measures that may be taken to avoid a future  
2880 poisoning or overdose; and

2881 (c) making decisions regarding future prescriptions written for the patient or others.

2882 (4) Any record [created by the division] the division creates as a result of an educational  
2883 visit described in Subsection (2)(a)(ii) is a protected record for purposes of Title 63G,  
2884 Chapter 2, Government Records Access and Management Act.

2885 (5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,  
2886 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and  
2887 ongoing costs of the division for complying with the requirements of this section.

2888 Section 49. Section **58-37f-703** is amended to read:

2889 **58-37f-703 (Effective 07/01/26). Entering certain convictions into the database  
2900 and reporting them to practitioners.**

2891 (1) When the division receives a report from a court under Subsection 41-6a-502(5) or  
2892 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while  
2893 impaired by, a prescribed controlled substance, the division shall:

2894 (a) [daily] within five business days enter into the database the information supplied in  
2895 the report, including the date on which the person was convicted;  
2896 (b) attempt to identify, through the database, each practitioner who may have prescribed  
2897 the controlled substance to the convicted person; and  
2898 (c) [provide] alert each practitioner identified under Subsection (1)(b) [with:] concerning  
2899 the information described in this Subsection (1).

2900 [(i) a copy of the information provided by the court; and]  
2901 [(ii) the information obtained from the database that led the division to determine that  
2902 the practitioner receiving the information may have prescribed the controlled  
2903 substance to the convicted person.]

2904 (2) It is the intent of the Legislature that the information provided under Subsection (1)(b)  
2905 is provided for the purpose of assisting the practitioner in:

2906 (a) discussing the manner in which the controlled substance may impact the convicted  
2907 person's driving;  
2908 (b) advising the convicted person on measures that may be taken to avoid adverse  
2909 impacts of the controlled substance on future driving; and  
2910 (c) making decisions regarding future prescriptions written for the convicted person.

2911 (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504,  
2912 increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and  
2913 ongoing costs of the division for complying with the requirements of this section.

2914 Section 50. Section **58-40a-305** is amended to read:

2915 **58-40a-305 (Effective 07/01/26). Exemptions from licensure.**

2916 In addition to the exemptions from licensure in Section 58-1-307, this chapter does not  
2917 require the licensure of a medical assistant as defined in Section 58-67-102 or 58-68-102 or an  
2918 individual who assists in an emergency or in providing services for which no fee is

2919 contemplated, charged, or received, provided the individual does not [hold himself out as]  
2920 represent that the individual is an athletic trainer.

2921 Section 51. Section **58-49-4** is amended to read:

2922 **58-49-4 (Effective 07/01/26). Qualifications for certification -- Fee.**

2923 (1) Each applicant for certification under this chapter shall provide proof satisfactory  
2924 to the division that the applicant:

2925 [(1)] (a) holds a baccalaureate or post-baccalaureate degree conferred by a college or  
2926 university approved by the division at the time the degree was conferred with a major  
2927 course of study in the sciences of food, dietetics, food systems management, or an  
2928 equivalent major course of study;

2929 [(2)] (b) has completed an internship or preplanned professional baccalaureate or  
2930 post-baccalaureate experience in a dietetic program under the supervision of a  
2931 certified dietitian who is certified under this chapter or certified, registered, or  
2932 licensed under the laws of another state or territory of the United States;

2933 [(3)] (c) has satisfactorily passed a competency examination, approved by or given at the  
2934 direction of the division; and

2935 [(4)] (d) has paid the appropriate fees determined by the Department of Commerce. The  
2936 fee assessed by the Department of Commerce shall be fair and reasonable and shall  
2937 reflect the cost of services provided.

2938 (2) In addition to the requirements of Subsection 58-49-4(1), an applicant seeking to  
2939 exercise the compact privilege in accordance with Chapter 89, Dietitian Licensure  
2940 Compact, shall:

2941 (a) complete a criminal background check in accordance with Section 58-1-301.5;  
2942 (b) meet any other standard related to the criminal background check described in  
2943 Chapters 58 through 89, that the division establishes by rule in accordance with Title  
2944 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
2945 (c) disclose any criminal history the division requests on a form the division approves.

2946 Section 52. Section **58-60-102** is amended to read:

2947 **58-60-102 (Effective 07/01/26). Definitions.**

2948 As used in this chapter, unless a [different meaning is established by definition]  
2949 definition establishes a different meaning under a specific section or part:

2950 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

2951 (2) "Client" or "patient" means an individual who [e]consults or is examined or interviewed  
2952 by] an individual licensed under this chapter who is acting in the individual's

2953 professional capacity consults, examines, or interviews.

2954 (3) "Clinical supervision" means work experience conducted under the supervision of a  
2955 clinical supervisor, including the practice of mental health therapy, direct client care,  
2956 direct clinical supervision, direct observation, and other duties and activities completed  
2957 in the course of the day-to-day job functions and work of:  
2958 (a) a certified social worker;  
2959 (b) an associate marriage and family therapist;  
2960 (c) an associate clinical mental health counselor; or  
2961 (d) an associate master addiction counselor, wherein the supervisor is available to the  
2962 supervisee for consultation [with the supervisee] by personal face-to-face contact, or  
2963 by direct voice contact by telephone, [radio] video conference, or other means within  
2964 a reasonable [time-] timeframe consistent with the acts and practices in which the  
2965 supervisee is engaged.

2966 (4) "Clinical supervisor" means an individual who oversees and mentors one or more  
2967 mental health therapists licensed under this chapter, and who:

2968 (a)(i) is licensed, in good standing, as a mental health therapist;  
2969 (ii) is approved or certified in good standing as a supervisor by a national  
2970 professional organization for social work, mental health counseling, addiction  
2971 counseling, marriage and family therapy, psychology, medicine, or nursing, or  
2972 other organization as [approved by the division] the division approves;  
2973 (iii)(A) has completed eight or more hours of supervision instruction that meets  
2974 minimum standards [established by the division in rule] the division makes in  
2975 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or  
2976 (B) has completed a graduate course on clinical supervision from an accredited  
2977 program;  
2978 (iv) completes continuing education in clinical supervision, as [established by the  
2979 division in rule] the division requires by rule the division makes in accordance  
2980 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
2981 (v) provides supervision to no more than the number of individuals to whom the  
2982 supervisor can reasonably provide clinical supervision by performing the duties  
2983 and responsibilities of a supervisor, including:  
2984 (A) being available to the supervisee for consultation by personal face-to-face  
2985 contact, or by direct voice contact by telephone, video conference, or other  
2986 means within a reasonable time frame;

2987 (B) providing instruction, direction, oversight, observation, evaluation, and  
2988 feedback, to enable the supervisee to acquire the knowledge, skills, techniques,  
2989 and abilities necessary to engage in the practice of behavioral health care  
2990 ethically, safely, and competently; and

2991 (C) maintaining routine personal contact with the supervisee; and  
2992 (b)(i) is qualified and acting as a valid supervisor, in accordance with applicable law  
2993 and division rules, as of April 30, 2024; and  
2994 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

2995 (5) "Confidential communication" means information obtained by an individual licensed  
2996 under this chapter, including information obtained by the individual's examination of the  
2997 client or patient, which is:

2998 (a)(i) transmitted between the client or patient and an individual licensed under this  
2999 chapter in the course of that relationship; or  
3000 (ii) transmitted among the client or patient, an individual licensed under this chapter,  
3001 and individuals who are participating in the diagnosis or treatment under the  
3002 direction of an individual licensed under this chapter, including members of the  
3003 client's or patient's family; and  
3004 (b) made in confidence, for the diagnosis or treatment of the client or patient by the  
3005 individual licensed under this chapter, and by a means not intended to be disclosed to  
3006 third persons other than those individuals:

3007 (i) present to further the interest of the client or patient in the consultation,  
3008 examination, or interview;  
3009 (ii) reasonably necessary for the transmission of the communications; or  
3010 (iii) participating in the diagnosis and treatment of the client or patient under the  
3011 direction of the mental health therapist.

3012 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

3013 (7)(a) "Direct client care" means the practice of mental health therapy performed as an  
3014 applicant for licensure.

3015 (b) "Direct client care" includes:

3016 (i) the practice of mental health therapy;  
3017 (ii) the utilization of patient-reported progress and outcomes to inform care; and  
3018 (iii) direct observation.

3019 (8)(a) "Direct clinical supervision" means an applicant for licensure and the applicant's  
3020 direct clinical supervisor meeting in real time and in accordance with the applicant

3021 for licensure's supervision contract as [defined by division rule] the division defines  
3022 by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
3023 Administrative Rulemaking Act.

3024 (b) "Direct clinical supervision" includes group supervision.

3025 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the  
3026 supervision contract with the applicant for licensure.

3027 (10) "Direct observation" means observation of an applicant for licensure's live or recorded  
3028 direct client care:

3029 (a)(i) by the applicant for licensure's clinical supervisor; or

3030 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct  
3031 clinical supervisor approves; and

3032 (b) after which the applicant for licensure and the observer under Subsection (10)(a)  
3033 meet, in-person or electronically, to discuss the direct client care for the purpose of  
3034 developing the applicant for licensure's clinical knowledge and skill.

3035 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.

3036 (12) "Group supervision" means an applicant for licensure meeting with the applicant's  
3037 direct clinical supervisor and at least one of the direct clinical supervisor's other  
3038 supervised applicants for licensure:

3039 (a) while the clinical supervisor and the applicants:

3040 (i) can see and openly communicate with each other; and  
3041 (ii) are present in the same room or via electronic video; and

3042 (b) for the purpose of developing the applicants' clinical knowledge and skill.

3043 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this  
3044 chapter, a process by which an individual induces or assists another individual into a  
3045 hypnotic state without the use of drugs or other substances and for the purpose of  
3046 increasing motivation or to assist the individual to alter lifestyles or habits.

3047 (14) "Individual" means a natural person.

3048 (15) "Mental health therapist" means an individual who is practicing within the scope of  
3049 practice defined in the individual's respective licensing act and is licensed under this title  
3050 as:

3051 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental  
3052 health therapy;

3053 (b) an advanced practice registered nurse, specializing in psychiatric mental health  
3054 nursing;

3055 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health  
3056 nursing;

3057 (d) a psychologist qualified to engage in the practice of mental health therapy;

3058 (e) a certified psychology resident qualifying to engage in the practice of mental health  
3059 therapy;

3060 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;

3061 (g) a clinical social worker;

3062 (h) a certified social worker;

3063 (i) a marriage and family therapist;

3064 (j) an associate marriage and family therapist;

3065 (k) a clinical mental health counselor;

3066 (l) an associate clinical mental health counselor;

3067 (m) a master addiction counselor; or

3068 (n) an associate master addiction counselor.

3069 (16) "Mental illness" means a mental or emotional condition defined in an approved  
3070 diagnostic and statistical manual for mental disorders generally recognized in the  
3071 professions of mental health therapy listed under Subsection (15).

3072 (17) "Practice of mental health therapy" means treatment or prevention of another  
3073 individual's mental illness or emotional disorder, whether in person or remotely,  
3074 including:

3075 (a) conducting a professional evaluation of an individual's condition of mental health,  
3076 mental illness, or emotional disorder consistent with standards generally recognized  
3077 in the professions of mental health therapy listed under Subsection (15);

3078 (b) establishing a diagnosis in accordance with established written standards generally  
3079 recognized in the professions of mental health therapy listed under Subsection (15);

3080 (c) conveying an opinion as to the validity of an individual's established diagnosis;

3081 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or  
3082 emotional disorder; and

3083 (e) engaging in the conduct of professional intervention, including:

3084 (i) psychotherapy by the application of established methods and procedures generally  
3085 recognized in the professions of mental health therapy listed under Subsection (15);  
3086 and

3087 (ii) modes of treatment designed to treat interpersonal dysfunction; and

3088 (f) holding oneself out as providing, or has having the skills, experience, or training to

3089 competently provide, any of the services described in Subsections (17)(a) through (e).

3090 (18) "Remotely" means communicating via [Internet] internet, telephone, or other electronic  
3091 means that facilitate real-time audio or visual interaction between individuals when they  
3092 are not physically present in the same room at the same time.

3093 (19) "Unlawful conduct" [is-as] means the same as that term is defined in Sections 58-1-501  
3094 and 58-60-109.

3095 (20) "Unprofessional conduct" [is-as] means the same as that term is defined in Sections  
3096 58-1-501 and 58-60-110, and [may be further defined by division rule] as the division  
3097 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
3098 Administrative Rulemaking Act.

3099 Section 53. Section **58-60-102.5** is amended to read:

3100 **58-60-102.5 (Effective 07/01/26). Behavioral Health Board -- Advisory  
3101 committees.**

3102 (1) There is created the Behavioral Health Board consisting of:

3103 (a) no less than six behavioral health care providers licensed in Utah to practice as a:  
3104 (i) clinical social worker;  
3105 (ii) marriage and family therapist;  
3106 (iii) clinical mental health counselor;  
3107 (iv) master addiction counselor;  
3108 (v) psychologist under Chapter 61, Psychologist Licensing Act; or  
3109 (vi) behavior analyst or specialist;

3110 (b) no less than two other behavioral health care providers licensed in Utah to practice as:  
3111 (i) a certified social worker;  
3112 (ii) a social service worker;  
3113 (iii) an associate marriage and family therapist;  
3114 (iv) an associate clinical mental health counselor;  
3115 (v) an associate master addiction counselor;  
3116 (vi) an advanced substance use disorder counselor;  
3117 (vii) a substance use disorder counselor;  
3118 (viii) a certified psychology resident; or  
3119 (ix) an assistant behavior analyst or specialist;

3120 (c) no less than four public members:  
3121 (i) who comprise no less than 1/3 of the total membership of the board;  
3122 (ii) who are not licensed to practice under:

- (A) this chapter; or
- (B) Chapter 61, Psychologist Licensing Act;

(iii) two of whom shall, at the time of appointment to the board, hold a leadership position with:

- (A) a behavioral health consumer advocacy organization;
- (B) a behavioral health employer;
- (C) a behavioral health payor;
- (D) an academic institution conducting research related to the behavioral health licenses under Subsection (3)(b), including public health, epidemiology, economics, and the health care workforce;
- (E) a training institution providing education credentials required for a license under Subsection (3)(b);
- (F) a licensed health care facility as defined in Section 26B-2-201; or
- (G) a licensed human services program as defined in Section 26B-2-101;

(iv) one of whom the executive director of the Department of Health and Human Services appoints; and

(v) one of whom is licensed in Utah to practice as a:

- (A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
- (B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
- (C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure Compact - Revised.

ard members shall be appointed, serve terms, and be compensated in accordance with section 58-1-201.

the board shall:

operate in accordance with Section 58-1-202, unless otherwise provided in this section;

oversee licenses under:

- (i) this chapter; and
- (ii) Chapter 61, [Pyseholøgist] Psychologist Licensing Act;

recommend to the appropriate legislative committee statutory changes to:

- (i) ensure that regulation supports an adequate workforce to meet consumer demand for behavioral health services; and
- (ii) prevent harm to the health, safety, and financial welfare of the public;

3157 (d) recommend to the appropriate legislative committee statutory changes to remove  
3158 regulations that are no longer necessary or effective in protecting the public and  
3159 enhancing commerce; and  
3160 (e) disqualify any member from acting as a presiding officer in any administrative  
3161 procedure in which that member has previously reviewed the complaint or advised  
3162 the division.

3163 (4)(a) There are created the following advisory committees to the board:  
3164 (i) the Qualifications and Professional Development Advisory Committee;  
3165 (ii) the Background and Investigations Advisory Committee; and  
3166 (iii) the Probation and Compliance Advisory Committee.

3167 (b) Each advisory committee shall consist of:  
3168 (i) a committee chair who is a member of the Behavioral Health Board; and  
3169 ~~[(ii) a member of each profession regulated under this chapter;]~~  
3170 ~~[(iii) Chapter 61, Psychologist Licensing Act; and]~~  
3171 ~~[(iv)] (ii) [as determined by the division in rule, additional members from the~~  
3172 ~~professions licensed under this chapter or Chapter 61, Psychologist Licensing Act.]~~  
3173 ~~additional members from the professions licensed under this chapter or Chapter~~  
3174 ~~61, Psychologist Licensing Act, that the division appoint by rule the division~~  
3175 ~~makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~  
3176 ~~Act.~~

3177 (c) In addition to the requirements of Subsection (4)(b):  
3178 (i) the Qualifications and Professional Development Advisory Committee shall also  
3179 consist of an educator for each profession regulated under this chapter and  
3180 Chapter 61, Psychologist Licensing Act; and  
3181 (ii) the Background and Investigations Advisory Committee shall also consist of a  
3182 criminal justice professional.

3183 (d) The Qualifications and Professional Development Advisory Committee shall:  
3184 (i) advise the division regarding qualifications for licensure, including passing scores  
3185 for applicant examinations and standards of supervision for students or persons in  
3186 training to become licensed;  
3187 (ii) recommend evidence-based ongoing professional development requirements for  
3188 licensure that:  
3189 (A) ensure an adequate workforce to meet consumer demand; and  
3190 (B) prevent harm to the health, safety, and financial welfare of the public;

3191 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:

3192 (A) internationally trained applicants;

3193 (B) applicants applying via licensure by endorsement; and

3194 (C) applicants applying using an alternate pathway to licensure including a  
3195 non-exam or equivalent field degree path;

3196 (iv) draw on additional profession-specific advisors as needed;

3197 (v) make policy recommendations to the board regarding qualifications for licensure  
3198 or renewal for a specific profession, including the committee chair assigning at  
3199 least one committee member licensed under that profession to serve as a subject  
3200 matter expert; and

3201 (vi) make recommendations to the board related to an individual applicant for a  
3202 specific license, including the committee chair assigning at least one committee  
3203 member licensed under the same profession as the applicant to serve as a subject  
3204 matter expert.

3205 (e) The Background and Investigations Advisory Committee shall:

3206 (i) advise the division on establishing criteria for licensure for those with a criminal  
3207 conviction according to Section 58-1-401;

3208 (ii) advise the division on establishing criteria for referral to the Utah Professionals  
3209 Health Program under Chapter 4a, Utah Professionals Health Program;

3210 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement,  
3211 and relicensure and recommending licensing, renewal, reinstatement, and  
3212 relicensure actions to the division;

3213 (iv) advise the division on investigative practices and procedures and administrative  
3214 sanctions for consistency and fairness across relevant occupations;

3215 (v) make recommendations to the board for sanctions against individual licensees [  
3216 and certificate holders] and referral to the Utah Professionals Health Program  
3217 under Chapter 4a, Utah Professionals Health Program;

3218 (vi) draw on additional profession-specific advisors as needed; and

3219 (vii) make recommendations to the board related to the disposition for any specific  
3220 applicant or licensee, including the committee chair assigning at least one  
3221 committee member licensed under the same profession as the applicant or licensee  
3222 to serve as a subject matter expert.

3223 (f) The Probation and Compliance Advisory Committee shall:

3224 (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.

3259 **58-60-108 (Effective 07/01/26). Grounds for denial of licensure or certification --**

3260 **Disciplinary proceedings.**

3261 [(1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an  
3262 applicant, for refusing to renew the license of a licensee, for revoking, suspending,  
3263 restricting, or placing on probation the license of a licensee, for issuing a public or  
3264 private reprimand to a licensee, and for issuing a cease and desist order are under  
3265 Section 58-1-401.]

3266 [(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or  
3267 licensee's license under this chapter solely because the applicant or licensee seeks or  
3268 participates in mental health or substance abuse treatment.]

3269 (1) As used in this section:

3270 (a) "License" includes a certification issued under this chapter.

3271 (b) "Licensed" includes a person certified under this chapter.

3272 (c) "Licensee" includes a certificate holder under this chapter.

3273 (2) Subject to Subsection (7), the division may take an action described in Section 58-1-401  
3274 and in accordance with that section, including refusing to issue or renew a license, or  
3275 revoking, suspending, restricting, or placing a license on probation, issuing a public or  
3276 private reprimand, or issuing a cease and desist order.

3277 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is  
3278 incapacitated as defined in Section 75-1-20, or that the licensee has a mental  
3279 illness as defined in Section 26B-5-301, and is unable to safely engage in practice  
3280 under this chapter, the director shall immediately suspend the license of the  
3281 licensee upon the entry of the judgment of the court, without further proceedings  
3282 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether  
3283 an appeal from the court's ruling is pending.

3284 (ii) The director shall promptly notify the licensee in writing of a suspension under  
3285 Subsection (3)(a)(i).

3286 (b)(i) If the division and a majority of the board find reasonable cause to believe that  
3287 a licensee cannot practice under this chapter with reasonable skill and safety to  
3288 protect a patient due to illness, excessive use of drugs or alcohol, or another  
3289 mental or physical condition, and a court has not determined that the licensee is  
3290 incapacitated or has a mental illness, the board shall:

3291 (A) recommend that the director file a petition with the division; and

3292 (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

3327 section may request the division and the board to consider, at reasonable intervals,  
3328 evidence presented by the licensee, under procedures the division makes in accordance  
3329 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in  
3330 the licensee's condition, to determine whether:

3331 (a) the licensee is able to safely and competently engage in the practice under the  
3332 licensee's license; and  
3333 (b) the licensee is qualified to have the licensee's license to practice under this chapter  
3334 partially or completely restored.

3335 (7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's  
3336 license under this chapter solely because the applicant or licensee seeks or participates in  
3337 mental health or substance abuse treatment.

3338 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to  
3339 report current significant investigative information to the coordinated licensure  
3340 information system for transmission to party states as required of the division by the  
3341 Counseling Compact in Section 58-60a-103 or the Social Work Licensure Compact in  
3342 Section 58-60b-103.

3343 Section 55. Section **58-60-117** is amended to read:

3344 **58-60-117 (Effective 07/01/26). Externship licenses.**

3345 (1) The division shall issue a temporary license under [Part 2, Social Worker Licensing Act,]  
3346 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health  
3347 Counselor Licensing Act, of this chapter to a [person who] person that:  
3348 (a) submits an application for licensure under [Part 2, Social Worker Licensing Act,]  
3349 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental  
3350 Health Counselor Licensing Act;  
3351 (b) pays a fee [determined by the department under] the division determines in  
3352 accordance with Section 63J-1-504;  
3353 (c) holds an earned doctoral degree or master's degree in a discipline that is a  
3354 prerequisite for practice as a mental health therapist;  
3355 (d) has a deficiency, as [defined by division rule] the division defines by rule the  
3356 division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
3357 Rulemaking Act, in course work;  
3358 (e) provides mental health therapy as an employee of a public or private organization,  
3359 which provides mental health therapy, while under the supervision of a person  
3360 licensed under this chapter; and

3361 (f) has no disciplinary action pending or in effect against the applicant in connection  
3362 with the practice of mental health therapy, in any jurisdiction.

3363 (2) A temporary license issued under this section shall expire upon the earlier of:

3364 (a) issuance of the license applied for; or

3365 (b) unless the deadline is extended for good cause as ~~[determined by the division]~~ the  
3366 division determines, three years from the date the temporary license was issued.

3367 (3) The temporary license issued under this section is an externship license.

3368 Section 56. Section **58-60-207** is amended to read:

3369 **58-60-207 (Effective 07/01/26). Scope of practice -- Limitations.**

3370 (1) A clinical social worker may engage in all acts and practices defined as the practice of  
3371 clinical social work without supervision, in private and independent practice, or as an  
3372 employee of another person, limited only by the licensee's education, training, and  
3373 competence.

3374 (2) To the extent an individual is professionally prepared by the education and training  
3375 track completed while earning a master's or doctor of social work degree, a licensed  
3376 certified social worker may engage in all acts and practices defined as the practice of  
3377 certified social work consistent with the licensee's education, clinical training,  
3378 experience, and competence:

3379 (a) under supervision of an individual described in Subsection 58-60-205(2)(d)(ii) and as  
3380 an employee of another person when engaged in the practice of mental health therapy;

3381 (b) without supervision and in private and independent practice or as an employee of  
3382 another person, if not engaged in the practice of mental health therapy;

3383 (c) including engaging in the private, independent, unsupervised practice of social work  
3384 as a self-employed individual, in partnership with other mental health therapists, as a  
3385 professional corporation, or in any other capacity or business entity, so long as ~~[he]~~  
3386 the individual does not practice unsupervised psychotherapy; and

3387 (d) supervising social service workers as ~~[provided by division rule]~~ the division  
3388 provides by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
3389 Administrative Rulemaking Act.

3390 Section 57. Section **58-60-405** is amended to read:

3391 **58-60-405 (Effective 07/01/26). Qualifications for licensure.**

3392 (1) An applicant for licensure as a clinical mental health counselor shall:

3393 (a) submit an application on a form the division approves;

3394 (b) pay a fee determined by the department under Section 63J-1-504;

3395 (c) produce certified transcripts evidencing completion of:

3396 (i) a master's or doctorate degree conferred to the applicant in:

3397 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

3398 education and supervision from a program accredited by the Council for

3399 Accreditation of Counseling and Related Educational Programs; or

3400 (B) clinical mental health counseling or an equivalent field from a program

3401 affiliated with an institution that has accreditation that is recognized by the

3402 Council for Higher Education Accreditation; and

3403 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related

3404 to an educational program described in Subsection (1)(c)(i);

3405 (d) if required under federal law for any licensee as a clinical mental health counselor to

3406 qualify as an eligible professional under CMS rules for Medicare payment, document

3407 completion of:

3408 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued

3409 under Subsection (1)(e); or

3410 (ii) not less than two years of clinical supervision;

3411 (e) document successful completion of not less than 1,200 direct client care hours:

3412 (i) obtained after completion of the education requirements under Subsection (1)(c);

3413 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical

3414 supervision hours under the supervision of a clinical supervisor;

3415 (iii) not less than 25 of which are direct observation hours; and

3416 (iv) not more than 25 of which are group supervision hours concurrently with more

3417 than one other applicant for licensure;

3418 (f) document successful completion of not less than two hours of training in suicide

3419 prevention obtained after completion of the education requirements under Subsection

3420 (1)(c) via a course that the division designates as approved;

3421 (g)(i) pass the examination requirement the division establishes by rule under Section

3422 58-1-203; or

3423 (ii) satisfy the following requirements:

3424 (A) document at least one examination attempt that did not result in a passing

3425 score;

3426 (B) document successful completion of not less than 500 additional direct client

3427 care hours, not less than 25 of which are direct clinical supervision hours, and

3428 not less than five of which are direct observation hours by a clinical supervisor;

3429 (C) submit to the division a recommendation letter from the applicant's direct  
3430 clinical supervisor; and  
3431 (D) submit to the division a recommendation letter from another licensed mental  
3432 health therapist who has directly observed the applicant's direct client care  
3433 hours and who is not the applicant's direct clinical supervisor; and  
3434 (h)(i) consent to, and complete, a criminal background check, described in Section  
3435 58-1-301.5;  
3436 (ii) meet any other standard related to the criminal background check described in  
3437 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title  
3438 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
3439 (iii) disclose any criminal history the division requests on a form the division  
3440 approves.

3441 (2) An applicant for licensure as an associate clinical mental health counselor shall comply  
3442 with the provisions of Subsections (1)(a) through [e] (1)(d) and [h] (1)(h).

3443 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement  
3444 described in Subsection (1)(c) if the applicant submits documentation verifying:

3445 (a) satisfactory completion of a doctoral or master's degree from an educational program  
3446 in rehabilitation counseling accredited by the Council for Accreditation of  
3447 Counseling and Related Educational Programs;

3448 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours  
3449 of coursework related to an educational program described in Subsection (1)(c)(i);  
3450 and

3451 (c) that the applicant received a passing score ~~that is valid and in good standing on:~~ on  
3452 the National Counselor Examination.  
3453 ~~[i] the National Counselor Examination; and]~~  
3454 ~~[ii] the National Clinical Mental Health Counseling Examination.]~~

3455 Section 58. Section **58-60-502** is amended to read:

3456 **58-60-502 (Effective 07/01/26). Definitions.**

3457 ~~[In addition to the definitions in Sections 58-1-102 and 58-60-102, as]~~ As used in this  
3458 part:

3459 (1)(a) "Counseling" means a collaborative process that facilitates the client's progress  
3460 toward mutually determined treatment goals and objectives.

3461 (b) "Counseling" includes:

3462 (i) methods that are sensitive to an individual client's characteristics, to the influence

3463 of significant others, and to the client's cultural and social context; and  
3464 (ii) an understanding, appreciation, and ability to appropriately use the contributions  
3465 of various addiction counseling models as the counseling models apply to  
3466 modalities of care for individuals, groups, families, couples, and significant others.

3467 (2) "Direct supervision" means:

3468 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder  
3469 counselor for every 40 hours of client care provided by the substance use disorder  
3470 counselor, which supervision may include group supervision;  
3471 (b) the supervision is conducted in a face-to-face manner, unless ~~otherwise approved on~~  
3472 ~~a case-by-case basis by the division in collaboration with the board~~ the division  
3473 otherwise approves in collaboration with the board; and  
3474 (c) a supervisor is available for consultation with the counselor at all times.

3475 (3) "General supervision" shall be defined by division rule the division makes in  
3476 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3477 (4) "Group supervision" means more than one counselor licensed under this part meets with  
3478 the supervisor at the same time.

3479 (5) "Individual supervision" means only one counselor licensed under this part meets with  
3480 the supervisor at a given time.

3481 (6) "Practice as an advanced substance use disorder counselor" means:

3482 (a) providing the services described in Subsections (9)(a) and (b);  
3483 (b) screening and assessing of individuals, including identifying substance use disorder  
3484 symptoms and behaviors and co-occurring mental health issues;  
3485 (c) treatment planning for substance use disorders, including initial planning, reviewing  
3486 and updating treatment plans for substance use disorders, ongoing intervention,  
3487 continuity of care, discharge planning, planning for relapse prevention, and long term  
3488 recovery support;  
3489 (d) supervising a substance use disorder counselor in accordance with Subsection  
3490 58-60-508(2); and  
3491 (e) conducting supportive counseling and psychosocial education for substance use  
3492 disorders and co-occurring mental health disorders, including:  
3493 (i) providing individual and group support;  
3494 (ii) providing individual and group psychosocial education; and  
3495 (iii) providing manualized therapeutic interventions if:  
3496 (A) conducted under the supervision of a mental health therapist;

3497 (B) for the treatment of mild to moderate behavioral health symptoms or  
3498 disorders, as [diagnosed by] a mental health therapist diagnoses; and  
3499 (C) consistent with the client's treatment plan [approved by a] that a mental health  
3500 therapist approves.

3501 (7) "Practice as a master addiction counselor" means the practice of mental health therapy  
3502 by means of observation, description, evaluation, interpretation, intervention, and  
3503 treatment to effect modification of human behavior[ by]:

3504 (a) by the application of generally recognized substance use disorder counseling and  
3505 addiction counseling principles, methods, and procedures for the purpose of  
3506 preventing, treating, or eliminating mental or emotional illness or dysfunction,  
3507 symptoms of any of these, or maladaptive behavior; and  
3508 (b) under the supervision of an advanced substance use disorder counselor or a  
3509 substance use disorder counselor.

3510 (8) "Practice as an associate master addiction counselor" means the same as the practice as  
3511 a master addiction counselor, except while under the supervision of a clinical supervisor.

3512 (9)(a) "Practice as a substance use disorder counselor" means providing services as an  
3513 employee of a substance use disorder agency under the general supervision of a  
3514 licensed mental health therapist to individuals or groups of persons, whether in  
3515 person or remotely, for conditions of substance use disorders consistent with the  
3516 education and training of a substance use disorder counselor required under this part,  
3517 and the standards and ethics of the profession as [approved by the division] the  
3518 division approves in collaboration with the board.

3519 (b) "Practice as a substance use disorder counselor" includes:

3520 (i) administering the screening process by which a client is determined to need  
3521 substance use disorder services, which may include screening, brief intervention,  
3522 and treatment referral;

3523 (ii) conducting the administrative intake procedures for admission to a program;

3524 (iii) conducting orientation of a client, including:  
3525 (A) describing the general nature and goals of the program;  
3526 (B) explaining rules governing client conduct and infractions that can lead to  
3527 disciplinary action or discharge from the program;  
3528 (C) explaining hours during which services are available in a nonresidential  
3529 program;  
3530 (D) treatment costs to be borne by the client, if any; and

3531 (E) describing the client's rights as a program participant;

3532 (iv) conducting assessment procedures by which a substance use disorder counselor

3533 gathers information related to an individual's strengths, weaknesses, needs, and

3534 substance use disorder symptoms for the development of the treatment plan;

3535 (v) participating in the process of treatment planning, including recommending

3536 specific interventions to support existing treatment goals and objectives developed

3537 by the substance use disorder counselor, the mental health therapist, and the client

3538 to:

3539 (A) identify and rank problems needing resolution;

3540 (B) establish agreed upon immediate and long term goals; and

3541 (C) decide on a treatment process and the resources to be utilized;

3542 (vi) monitoring compliance with treatment plan progress;

3543 (vii) providing substance use disorder counseling services to alcohol and drug use

3544 disorder clients and significant people in the client's life as part of a

3545 comprehensive treatment plan, including:

3546 (A) leading specific task-oriented groups, didactic groups, and group discussions;

3547 (B) cofacilitating group therapy with a licensed mental health therapist; and

3548 (C) engaging in one-on-one interventions and interactions coordinated by a mental

3549 health therapist;

3550 (viii) performing case management activities that bring services, agencies, resources,

3551 or people together within a planned framework of action toward the achievement

3552 of established goals, including, when appropriate, liaison activities and collateral

3553 contacts;

3554 (ix) providing substance use disorder crisis intervention services;

3555 (x) providing client education to individuals and groups concerning alcohol and other

3556 substance use disorders, including identification and description of available

3557 treatment services and resources;

3558 (xi) identifying the needs of the client that cannot be met by the substance use

3559 disorder counselor or substance use disorder agency and referring the client to

3560 appropriate services and community resources;

3561 (xii) developing and providing effective reporting and recordkeeping procedures and

3562 services, which include charting the results of the assessment and treatment plan,

3563 writing reports, progress notes, discharge summaries, and other client-related data;

3564 and

3565 (xiii) consulting with other professionals in regard to client treatment and services to  
3566 assure comprehensive quality care for the client.

3567 (c) "Practice as a substance use disorder counselor" does not include:  
3568 (i) the diagnosing of mental illness, including substance use disorders, as defined in  
3569 Section 58-60-102;  
3570 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;  
3571 or  
3572 (iii) the performance of a substance use disorder diagnosis, other mental illness  
3573 diagnosis, or psychological testing.

3574 (10) "Program" means a substance use disorder agency that provides substance use disorder  
3575 services, including recovery support services.

3576 (11) "Recovery support services" means services provided to an individual who is identified  
3577 as having need of substance use disorder preventive or treatment services, either before,  
3578 during, or after an episode of care that meets the level of care standards [established by  
3579 division rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah  
3580 Administrative Rulemaking Act.

3581 (12) "Substance use disorder agency" means a public or private agency, health care facility,  
3582 or health care practice that:

3583 (a) provides substance use disorder services, recovery support services, primary health  
3584 care services, or substance use disorder preventive services; and  
3585 (b) employs qualified mental health therapists in sufficient number to:  
3586 (i) evaluate the condition of clients being treated by each counselor licensed under  
3587 this part and employed by the substance use disorder agency; and  
3588 (ii) ensure that appropriate substance use disorder services are being given.

3589 (13) "Substance use disorder education program" means a formal program of substance use  
3590 disorder education offered by an accredited institution of higher education that meets  
3591 standards [established by division rule] the division makes by rule in accordance with  
3592 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3593 Section 59. Section **58-60-506** is amended to read:

3594 **58-60-506 (Effective 07/01/26). Qualifications for licensure.**

3595 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based  
3596 on education, training, and experience shall:  
3597 (a) submit an application on a form the division approves;  
3598 (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

3633 (ii) satisfy the following requirements:

3634 (A) document at least one examination attempt that did not result in a passing  
3635 score;

3636 (B) document successful completion of not less than 500 additional direct client  
3637 care hours, not less than 25 of which are direct clinical supervision hours, and  
3638 not less than five of which are direct observation hours by a clinical supervisor;

3639 (C) submit to the division a recommendation letter from the applicant's direct  
3640 clinical supervisor; and

3641 (D) submit to the division a recommendation letter from another licensed mental  
3642 health therapist who has directly observed the applicant's direct client care  
3643 hours and who is not the applicant's direct clinical supervisor; and

3644 (i)(i) consent to, and complete, a criminal background check, described in Section  
3645 58-1-301.5;

3646 (ii) meet any other standard related to the criminal background check described in  
3647 Subsection (1)(i)(i), that the division [establishes] makes by rule in accordance  
3648 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

3649 (iii) disclose any criminal history the division requests on a form the division  
3650 approves.

3651 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for  
3652 licensure as master addiction counselor may document current certification in good  
3653 standing as:

3654 (a) a master addiction counselor by the National Certification Commission for Addiction  
3655 Professionals;

3656 (b) a master addiction counselor by the National Board for Certified Counselors; or

3657 (c) an equivalent certification as under Subsections (2)(a) and (b), [as determined in rule  
3658 made by the division in collaboration with the board] the division determines by rule  
3659 the division makes in collaboration with the board, and in accordance with Title 63G,  
3660 Chapter 3, Utah Administrative Rulemaking Act.

3661 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the  
3662 requirements under Subsections (1)(a) through [(e)] (1)(c) and [(f)] (1)(i).

3663 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use  
3664 disorder counselor shall:

3665 (a) submit an application on a form the division approves;

3666 (b) pay a fee [determined by the department under] the division determines in accordance

3667                   with Section 63J-1-504;[and]

3668                   (c) document successful completion of at least two hours of training in suicide  
3669                   prevention obtained after completion of the education requirements under Subsection  
3670                   (4)(d) via a course that the division designates as approved; and

3671                   [~~(e)~~] (d)(i) produce certified transcripts verifying satisfactory completion of:

3672                   (A) a bachelor's degree or higher, from a regionally accredited institution of  
3673                   higher learning, in substance use disorders, addiction, or related counseling  
3674                   subjects, including social work, mental health counseling, marriage and family  
3675                   counseling, or psychology; or

3676                   (B) two academic years of study in a master's of addiction counseling curriculum  
3677                   and practicum approved by the National Addictions Studies Accreditation  
3678                   Commission;

3679                   (ii) document completion of at least 500 hours of supervised experience while  
3680                   licensed as a substance use disorder counselor under this section, which the  
3681                   applicant may complete while completing the education requirements under  
3682                   Subsection [~~(4)(e)(i)~~] (1)(d)(i); and

3683                   (iii) satisfy examination requirements [~~established by the division in rule~~] the division  
3684                   makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
3685                   Rulemaking Act.

3686                   (5) An applicant for licensure as an advanced substance use disorder counselor may satisfy  
3687                   the requirements of Subsection [~~(4)(e)~~] (4)(d) by providing official verification of current  
3688                   certification in good standing:

3689                   (a)(i) as a National Certified Addiction Counselor Level II (NCAC II) from the  
3690                   National Certification Commission for Addiction Professionals (NCC AP); or

3691                   (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International  
3692                   Certification and Reciprocity Consortium; or

3693                   (b) of substantive equivalence to the certifications under Subsection (5)(a), as [  
3694                   determined by division rule made in consultation with the board] the division requires  
3695                   by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3696                   Act.

3697                   (6) In accordance with division rules, an applicant for licensure as a substance use disorder  
3698                   counselor shall produce:

3699                   (a) certified transcripts from an accredited institution that:  
3700                   (i) meet division standards; and

3701 (ii) verify the completion of prerequisite courses [established by division rules] the  
3702 division requires by rule in accordance with Title 63G, Chapter 3, Utah  
3703 Administrative Rulemaking Act; and

3704 (b) documentation of the applicant's completion of a substance use disorder education  
3705 program that includes:

3706 (i) completion of at least 200 hours of substance use disorder related education;  
3707 (ii) included in the 200 hours described in Subsection (6)(b)(i), a minimum of two  
3708 hours of training in suicide prevention via a course that the division designates as  
3709 approved; and

3710 (iii) completion of a supervised practicum[of at least 200 hours].

3711 Section 60. Section **58-60-508** is amended to read:

3712 **58-60-508 (Effective 07/01/26). Substance use disorder counselor supervisor's**  
3713 **qualifications -- Functions.**

3714 (1) A mental health therapist supervisor of a substance use disorder counselor shall:

3715 (a) be qualified by education or experience to treat substance use disorders;  
3716 (b) be currently working in the substance use disorder treatment field;  
3717 (c) review substance use disorder counselor assessment procedures and  
3718 recommendations;  
3719 (d) provide substance use disorder diagnosis and other mental health diagnoses in  
3720 accordance with Subsection 58-60-102(7);  
3721 (e) supervise the development of a treatment plan;  
3722 (f) approve the treatment plan; and  
3723 (g) provide direct supervision for not more than six persons, unless granted an exception  
3724 in writing from the board and the division.

3725 (2) A licensed advanced substance use disorder counselor may act as the supervisor of a [  
3726 ~~certified~~] licensed substance use disorder counselor[, ~~certified substance use disorder~~  
3727 ~~certified advanced substance use disorder counselor, or certified~~  
3728 ~~advanced substance use disorder counselor intern~~] if the licensed advanced substance  
3729 use disorder counselor:

3730 (a) has at least two years of experience as a licensed advanced substance use disorder  
3731 counselor;  
3732 (b) is currently working in the substance use disorder field; and  
3733 (c) provides direct supervision for no more than six individuals, unless granted an  
3734 exception in writing from the board and the division.

3735       Section 61. Section **58-60-601** is amended to read:

3736       **58-60-601 (Effective 07/01/26). Definitions.**

3737       As used in this part:

- 3738       (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 3739       (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
- 3740       (3) "Practice of mental health therapy" means the same as that term is defined in Section
- 3741       58-60-102.
- 3742       (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing
- 3743       services as an employee of a substance use disorder or mental health agency, and
- 3744       working under the general supervision of a mental health therapist and includes:
- 3745       (a) providing services under the definition of practice as a behavioral health technician
- 3746       in Subsection (6);
- 3747       (b) conducting administrative and care coordination activities, including:
  - 3748           (i) providing targeted case management;
  - 3749           (ii) providing care navigation services, including:
    - 3750              (A) connecting individuals to behavioral health resources and social services; and
    - 3751              (B) facilitating communication with other behavioral health providers;
  - 3752           (iii) providing referrals and crisis referrals, including:
    - 3753              (A) engaging in warm handoffs with other behavioral health providers; and
    - 3754              (B) adhering to a standardized protocol in responding to a crisis or risk of crisis
    - 3755              within a behavioral health facility, program, or other entity;
  - 3756           (iv) providing additional support to other behavioral health providers, facilities,
  - 3757              programs, and entities, including:
    - 3758              (A) conducting administrative activities; and
    - 3759              (B) extending non-clinical behavioral health support; and
  - 3760           (v) providing discharge, post-treatment referral, and non-clinical after-care services;
- 3761       (c) conducting patient assessment, monitoring, and planning activities, including:
  - 3762           (i) conducting non-clinical psychosocial assessments and screenings;
  - 3763           (ii) conducting collaborative planning, care planning, and goal setting;
  - 3764           (iii) gathering information to inform a mental health therapist's:
    - 3765              (A) diagnostic evaluations;
    - 3766              (B) initial treatment plans; and
    - 3767              (C) treatment plan reviews and updates;
  - 3768           (iv) monitoring client progress and tracking outcomes to inform a mental health

therapist's:

- (A) diagnostic evaluations; and
- (B) treatment plan reviews and updates;

assisting in drafting initial treatment plans by gathering information on a client's history and demographics, only:

- (A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as [ defined by the division in rule] the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (B) with completion of the treatment plan by a mental health therapist after assessing the client before treatment begins; and
- (C) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and

) assisting in the information gathering process of reviewing and updating treatment goals, only:

- (A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
- (B) with completion of the treatment plan from a mental health therapist after assessing the client before subsequent treatment begins; and
- (C) at the discretion of and with prior documented authorization from a licensed health facility or a licensed human service program; and

conducting intervention and treatment activities, including:

- providing psychosocial education groups related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
- providing other interventions to enhance client social skills, emotional well-being, and overall functioning, including:

- (A) supportive consultations;
- (B) habilitation services; and
- (C) activity-based programs;

) providing evidence-based, manualized interventions, only:

- (A) under the supervision of a mental health therapist;
- (B) in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as the division defines by rule made in accordance with Title 63G, Chapter 3, Utah

## Administrative Rulemaking Act; [and]

- (C) according to a treatment plan reviewed and signed by a mental health therapist  
after assessing the client before treatment begins; and
- (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 skills, 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.

3837 (b) "Practice as a behavioral health technician" does not include:  
3838 (i) engaging in the practice of mental health therapy; or  
3839 (ii) serving as a designated examiner.

3840 (7) Notwithstanding any other provision of this part, no behavioral health coach is  
3841 authorized to practice outside of or beyond [his or her] the behavioral health coach's area  
3842 of training, experience, or competence.

3843 (8) Notwithstanding any other provision of this part, no behavioral health technician is  
3844 authorized to practice outside of or beyond [his or her] the behavioral health technician's  
3845 area of training, experience, or competence.

3846 Section 62. Section **58-61-102** is amended to read:

3847 **58-61-102 (Effective 07/01/26). Definitions.**

3848 [In addition to the definitions in Section 58-1-102, as] As used in this chapter:

3849 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

3850 (2) "Client" or "patient" means an individual who [e]consults or is examined or interviewed  
3851 by] a psychologist, acting in [his] a professional capacity, consults, examines, or  
3852 interviews.

3853 (3) "Confidential communication" means information, including information obtained by  
3854 the psychologist's examination of the client or patient, which is:

3855 (a)(i) transmitted between the client or patient and a psychologist in the course of that  
3856 relationship; or  
3857 (ii) transmitted among the client or patient, the psychologist, and individuals who are  
3858 participating in the diagnosis or treatment under the direction of the psychologist,  
3859 including members of the client's or patient's family; and

3860 (b) made in confidence, for the diagnosis or treatment of the client or patient by the  
3861 psychologist, and by a means not intended to be disclosed to third persons other than  
3862 those individuals:  
3863 (i) present to further the interest of the client or patient in the consultation,  
3864 examination, or interview;  
3865 (ii) reasonably necessary for the transmission of the communications; or  
3866 (iii) participating in the diagnosis and treatment of the client or patient under the  
3867 direction of the psychologist.

3868 (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a  
3869 process by which one individual induces or assists another individual into a hypnotic  
3870 state without the use of drugs or other substances and for the purpose of increasing

3871 motivation or to assist the individual to alter lifestyles or habits.

3872 (5) "Individual" means a natural person.

3873 (6) "Mental health therapist" means an individual licensed under this title as a:

3874 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental

3875 health therapy;

3876 (b) an advanced practice registered nurse, specializing in psychiatric mental health

3877 nursing;

3878 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health

3879 nursing;

3880 (d) psychologist qualified to engage in the practice of mental health therapy;

3881 (e) a certified psychology resident qualifying to engage in the practice of mental health

3882 therapy;

3883 (f) clinical social worker;

3884 (g) certified social worker;

3885 (h) marriage and family therapist;

3886 (i) an associate marriage and family therapist;

3887 (j) a clinical mental health counselor; or

3888 (k) an associate clinical mental health counselor.

3889 (7) "Mental illness" means a mental or emotional condition defined in an approved

3890 diagnostic and statistical manual for mental disorders generally recognized in the

3891 professions of mental health therapy listed under Subsection (6).

3892 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,

3893 whether in person or remotely, including:

3894 (a) conducting a professional evaluation of an individual's condition of mental health,

3895 mental illness, or emotional disorder;

3896 (b) establishing a diagnosis in accordance with established written standards generally

3897 recognized in the professions of mental health therapy listed under Subsection (6);

3898 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or

3899 emotional disorder; and

3900 (d) engaging in the conduct of professional intervention, including psychotherapy by the

3901 application of established methods and procedures generally recognized in the

3902 professions of mental health therapy listed under Subsection (6).

3903 (9)(a) "Practice of psychology" includes:

3904 (i) the practice of mental health therapy by means of observation, description,

3905 evaluation, interpretation, intervention, and treatment to effect modification of  
3906 human behavior by the application of generally recognized professional  
3907 psychological principles, methods, and procedures for the purpose of preventing,  
3908 treating, or eliminating mental or emotional illness or dysfunction, the symptoms  
3909 of any of these, or maladaptive behavior;

3910 (ii) the observation, description, evaluation, interpretation, or modification of human  
3911 behavior by the application of generally recognized professional principles,  
3912 methods, or procedures requiring the education, training, and clinical experience  
3913 of a psychologist, for the purpose of assessing, diagnosing, preventing, or  
3914 eliminating symptomatic, maladaptive, or undesired behavior and of enhancing  
3915 interpersonal relationships, work and life adjustment, personal effectiveness,  
3916 behavioral health, and mental health;

3917 (iii) psychological testing and the evaluation or assessment of personal characteristics  
3918 such as intelligence, personality, abilities, interests, aptitudes, and  
3919 neuropsychological functioning;

3920 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy,  
3921 hypnosis, and behavior analysis and therapy;

3922 (v) diagnosis and treatment of mental and emotional disorders of disability,  
3923 alcoholism and substance abuse, disorders of habit or conduct, and the  
3924 psychological aspects of physical illness, accident, injury, or disability; and  
3925 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

3926 (b) An individual practicing psychology may provide services to individuals, couples,  
3927 families, groups of individuals, members of the public, and individuals or groups  
3928 within organizations or institutions.

3929 (10) "Remotely" means communicating via [Internet] internet, telephone, or other electronic  
3930 means that facilitate real-time audio or visual interaction between individuals when they  
3931 are not physically present in the same room at the same time.

3932 (11) "Unlawful conduct" [is as] means the same as that term is defined in Sections 58-1-501  
3933 and 58-61-501.

3934 (12) "Unprofessional conduct" [is as] means the same as that term is defined in Sections  
3935 58-1-501 and 58-61-502, and [may be further defined by division rule] as the division  
3936 defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah  
3937 Administrative Rulemaking Act.

3938 Section 63. 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 64. 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;

3973 (e) an individual engaged in performing hypnosis who is not licensed under this title in a  
3974 profession which includes hypnosis in its scope of practice, and who:  
3975 (i)(A) induces a hypnotic state in a client for the purpose of increasing motivation  
3976 or altering lifestyles or habits, such as eating or smoking, through hypnosis;  
3977 (B) consults with a client to determine current motivation and behavior patterns;  
3978 (C) prepares the client to enter hypnotic states by explaining how hypnosis works  
3979 and what the client will experience;  
3980 (D) tests clients to determine degrees of suggestibility;  
3981 (E) applies hypnotic techniques based on interpretation of consultation results and  
3982 analysis of client's motivation and behavior patterns; and  
3983 (F) trains clients in self-hypnosis conditioning;  
3984 (ii) may not:  
3985 (A) engage in the practice of mental health therapy;  
3986 (B) represent himself using the title of a license classification in Subsection  
3987 58-60-102(5); or  
3988 (C) use hypnosis with or treat a medical, psychological, or dental condition  
3989 defined in generally recognized diagnostic and statistical manuals of medical,  
3990 psychological, or dental disorders;

3991 (f) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates  
3992 when the student's training is no longer supervised by qualified faculty or staff and  
3993 the activities are no longer a defined part of the degree program;

3994 (g) an individual holding an earned doctoral degree in psychology who is employed by  
3995 an accredited institution of higher education and who conducts research and teaches  
3996 in that individual's professional field, but only if the individual does not engage in  
3997 providing delivery or supervision of professional services regulated under this  
3998 chapter to individuals or groups regardless of whether there is compensation for the  
3999 services;

4000 (h) any individual who was employed as a psychologist by a state, county, or municipal  
4001 agency or other political subdivision of the state prior to July 1, 1981, and who  
4002 subsequently has maintained employment as a psychologist in the same state, county,  
4003 or municipal agency or other political subdivision while engaged in the performance  
4004 of [his] the individual's official duties for that agency or political subdivision;

4005 (i) an individual licensed as a school psychologist under Section 53E-6-201:  
4006 (i) may ~~represent himself as and~~ use the terms "school psychologist" or "licensed

4007 school psychologist"; and

4008 (ii) [is restricted in his practice to employment] may only practice within settings  
4009 authorized by the State Board of Education;

4010 (j) an individual providing advice or counsel to another individual in a setting of [their  
4011 association as friends] friendship, or relatives and in a nonprofessional and  
4012 noncommercial relationship, if there is no compensation paid for the advice or  
4013 counsel; and

4014 (k) an individual who is licensed, in good standing, to practice mental health therapy in a  
4015 state or territory of the United States outside of Utah may provide short term  
4016 transitional mental health therapy remotely to a client in Utah only if:

4017 (i) the individual is present in the state or territory where the individual is licensed to  
4018 practice mental health therapy;

4019 (ii) the client relocates to Utah;

4020 (iii) the client is a client of the individual immediately before the client relocates to  
4021 Utah;

4022 (iv) the individual provides the short term transitional mental health therapy to the  
4023 client only during the 45 day period beginning on the day on which the client  
4024 relocates to Utah;

4025 (v) within 10 days after the day on which the client relocates to Utah, the individual  
4026 provides written notice to the division of the individual's intent to provide short  
4027 term transitional mental health therapy remotely to the client; and

4028 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

4029 Section 65. Section **58-61-401** is amended to read:

4030 **58-61-401 (Effective 07/01/26). Grounds for denial of licensure or certification --**

4031 **Disciplinary proceedings.**

4032 [(1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an  
4033 applicant, for refusing to renew the license of a licensee, for revoking, suspending,  
4034 restricting, or placing on probation the license of a licensee, for issuing a public or  
4035 private reprimand to a licensee, and for issuing a cease and desist order are under  
4036 Section 58-1-401.]

4037 [(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or  
4038 licensee's license under this chapter solely because the applicant or licensee seeks or  
4039 participates in mental health or substance abuse treatment.]

4040 (1) As used in this section:

4041 (a) "License" includes a certification issued under this chapter.

4042 (b) "Licensed" includes a person certified under this chapter.

4043 (c) "Licensee" includes a certificate holder under this chapter.

4044 (2) Subject to Subsection (7), the division may take an action described in Section 58-1-401  
4045 and in accordance with that section, including refusing to issue or renew a license, or  
4046 revoking, suspending, restricting, or placing a license on probation, issuing a public or  
4047 private reprimand, or issuing a cease and desist order.

4048 (3)(a)(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is  
4049 incapacitated as defined in Section 75-1-20, or that the licensee has a mental  
4050 illness as defined in Section 26B-5-301, and is unable to safely engage in practice  
4051 under this chapter, the director shall immediately suspend the license of the  
4052 licensee upon the entry of the judgment of the court, without further proceedings  
4053 under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether  
4054 an appeal from the court's ruling is pending.

4055 (ii) The director shall promptly notify the licensee in writing of a suspension under  
4056 Subsection (3)(a)(i).

4057 (b)(i) If the division and a majority of the board find reasonable cause to believe that  
4058 a licensee cannot practice under this chapter with reasonable skill and safety to  
4059 protect a patient due to illness, excessive use of drugs or alcohol, or another  
4060 mental or physical condition, and a court has not determined that the licensee is  
4061 incapacitated or has a mental illness, the board shall:

4062 (A) recommend that the director file a petition with the division; and  
4063 (B) ensure service of the petition on the licensee together with a notice of hearing  
4064 limited to the licensee's capacity to competently and safely practice under this  
4065 chapter.

4066 (ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i)  
4067 shall be conducted under Section 58-1-109 and Title 63G, Chapter 4,  
4068 Administrative Procedures Act.

4069 (4)(a) Every licensee who accepts the privilege of being licensed under this chapter  
4070 gives consent to:

4071 (i) submitting to an immediate mental or physical examination, at the licensee's  
4072 expense and by a division-approved practitioner selected by the licensee when  
4073 directed in writing by the division and a majority of the board to do so; and  
4074 (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.

4109 (8) Section 63G-2-206 may not be construed as limiting the authority of the division to  
4110 report current significant investigative information to the coordinated licensure  
4111 information system for transmission to party states as required of the division by Article  
4112 IX of the Psychology Interjurisdictional Compact in Section 58-61b-102.

4113 Section 66. Section **58-61-501** is amended to read:

4114 **58-61-501 (Effective 07/01/26). Unlawful conduct.**

4115 As used in this chapter, "unlawful conduct" includes:

4116 (1) practice of psychology unless licensed as a psychologist or certified psychology resident  
4117 under this chapter or exempted from licensure under this title;

4118 (2) practice of mental health therapy by a licensed psychologist who has not acceptably  
4119 documented to the division [his] the licensed psychologist's completion of the supervised  
4120 training in psychotherapy required under Subsection 58-61-304(1)(e); or

4121 (3) representing oneself as or using the title of psychologist, or certified psychology  
4122 resident unless currently licensed under this chapter.

4123 Section 67. Section **58-63-302** is amended to read:

4124 **58-63-302 (Effective 07/01/26). Qualifications for licensure.**

4125 (1) Each applicant for licensure as an armored car company or a contract security company  
4126 shall:

4127 (a) submit an application in a form the division approves;

4128 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance  
4129 with Section 63J-1-504;

4130 (c) have a qualifying agent who:

4131 (i) meets with the division and the board and demonstrates that the applicant and the  
4132 qualifying agent meet the requirements of this section;

4133 (ii) is a resident of the state;

4134 (iii) is responsible management personnel or a company owner of the applicant;

4135 (iv) exercises material day-to-day authority in the conduct of the applicant's business  
4136 by making substantive technical and administrative decisions and whose primary  
4137 employment is with the applicant;

4138 (v) is not concurrently acting as a qualifying agent or employee of another armored  
4139 car company or contract security company and is not engaged in any other  
4140 employment on a regular basis;

4141 (vi) is not involved in any activity that would conflict with the qualifying agent's  
4142 duties and responsibilities under this chapter to ensure that the qualifying agent's

4143 and the applicant's performance under this chapter does not jeopardize the health  
4144 or safety of the general public;

4145 (vii) is not an employee of a government agency;

4146 (viii) passes an examination component [established by rule by the division in  
4147 collaboration with the board] the division requires by rule the division makes in  
4148 collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah  
4149 Administrative Rulemaking Act; and

4150 (ix)(A) demonstrates 6,000 hours of compensated experience as a manager,  
4151 supervisor, or administrator of an armored car company or a contract security  
4152 company; or

4153 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division  
4154 in collaboration with the board with a federal, United States military, state,  
4155 county, or municipal law enforcement agency;

4156 (d) require that each company officer, company owner, company proprietor, company  
4157 trustee, and responsible management personnel with direct responsibility for  
4158 managing operations of the applicant within the state:

4159 (i) provide name, address, date of birth, social security number, and fingerprints; and  
4160 (ii)(A) consent to, and complete, a criminal background check, described in  
4161 Section 58-1-301.5;

4162 (B) meet any other standard related to the criminal background check described in  
4163 Subsection (1)(d)(ii)(A), that the division [establishes] makes by rule in  
4164 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
4165 and

4166 (C) disclose any criminal history the division requests on a form the division  
4167 approves;

4168 (e) have company officers, company owners, company proprietors, company trustees,  
4169 and responsible management personnel who have not been convicted of:

4170 (i) a felony; or  
4171 (ii) a crime that when considered with the duties and responsibilities of a contract  
4172 security company or an armored car company by the division and the board  
4173 indicates that the best interests of the public are not served by granting the  
4174 applicant a license;

4175 (f) document that none of the individuals described in Subsection (1)(e):

4176 (i) have been declared by a court [of competent] with jurisdiction incompetent by

4177 reason of mental defect or disease and not been restored; or  
4178 (ii) ~~currently suffer from habitual drunkenness or from drug addiction or dependence]~~  
4179 ~~are currently unable to perform the duties required under this title due to a mental~~  
4180 ~~or physical illness or condition, or engagement in any of the behaviors listed in~~  
4181 ~~Subsection 58-1-501(2)(a)(v);~~

4182 (g) file and maintain with the division evidence of:

4183 (i) comprehensive general liability insurance in a form ~~and in amounts established~~  
4184 ~~by rule by the division in collaboration with the board and in accordance with~~  
4185 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act] in accordance with~~  
4186 ~~Subsection 58-63-102(13)(b);~~

4187 (ii) workers' compensation insurance that covers employees of the applicant in  
4188 accordance with applicable Utah law;

4189 (iii) registration with the Division of Corporations and Commercial Code; and

4190 (iv) registration as required by applicable law with the:

4191 (A) Unemployment Insurance Division in the Department of Workforce Services,  
4192 for purposes of Title 35A, Chapter 4, Employment Security Act;

4193 (B) State Tax Commission; and

4194 (C) Internal Revenue Service; and

4195 (h) meet with the division ~~and board if requested by the division or board] or board as~~  
4196 ~~the division or board may request.~~

4197 (2) Each applicant for licensure as an armed private security officer:

4198 (a) shall submit an application in a form the division approves;

4199 (b) shall pay a fee ~~determined by the department under]~~ the division determines in  
4200 accordance with Section 63J-1-504;

4201 (c) may not have been convicted of:

4202 (i) a felony; or

4203 (ii) a crime that when considered with the duties and responsibilities of an armed  
4204 private security officer by the division and the board indicates that the best  
4205 interests of the public are not served by granting the applicant a license;

4206 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.  
4207 Sec. 922(g);

4208 (e) may not have been declared incompetent by a court ~~of competent]~~ with jurisdiction  
4209 by reason of mental defect or disease and not been restored;

4210 (f) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~

4211 dependee] may not be currently unable to perform the duties required under this  
4212 title due to a mental or physical illness or condition, or engagement in any of the  
4213 behaviors listed in Subsection 58-1-501(2)(a)(v);

4214 (g) shall successfully complete basic education and training requirements established by  
4215 rule by the division in collaboration with the board and in accordance with Title 63G,  
4216 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of  
4217 eight hours of classroom or online curriculum;

4218 (h) shall successfully complete firearms training requirements [established by rule by]  
4219 the division makes in collaboration with the board and in accordance with Title 63G,  
4220 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of  
4221 12 hours of training;

4222 (i) shall pass the examination requirement [established by rule by] the division makes in  
4223 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
4224 Administrative Rulemaking Act;

4225 (j) shall:

4226 (i) consent to, and complete, a criminal background check, described in Section  
4227 58-1-301.5;

4228 (ii) meet any other standard related to the criminal background check described in  
4229 Subsection (1)(j)(i), that the division [establishes] makes by rule in accordance  
4230 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4231 (iii) disclose any criminal history the division requests on a form the division  
4232 approves; and

4233 (k) shall meet with the division [and board if requested by the division or the board] or  
4234 board as the division or board may request.

4235 (3) Each applicant for licensure as an unarmed private security officer:

4236 (a) shall submit an application in a form the division approves;

4237 (b) shall pay a fee [determined by the department under] the division determines in  
4238 accordance with Section 63J-1-504;

4239 (c) may not have been convicted of:

4240 (i) a felony; or

4241 (ii) a crime that when considered with the duties and responsibilities of an unarmed  
4242 private security officer by the division and the board indicates that the best  
4243 interests of the public are not served by granting the applicant a license;

4244 (d) may not have been declared incompetent by a court [of competent] with jurisdiction

4245 by reason of mental defect or disease and not been restored;

4246 (e) ~~may not be currently suffering from habitual drunkenness or from drug addiction or~~  
4247 ~~dependenee] may not be currently unable to perform the duties required under this~~  
4248 ~~title due to a mental or physical illness or condition, or engagement in any of the~~  
4249 ~~behaviors listed in Subsection 58-1-501(2)(a)(v);~~

4250 (f) shall successfully complete basic education and training requirements ~~established by~~  
4251 ~~rule by~~] the division makes by rule in collaboration with the board and in accordance  
4252 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include  
4253 a minimum of eight hours of classroom or online curriculum;

4254 (g) shall pass the examination requirement ~~established by rule by~~] the division makes  
4255 by rule in collaboration with the board and in accordance with Title 63G, Chapter 3,  
4256 Utah Administrative Rulemaking Act;

4257 (h) shall:

4258 (i) consent to, and complete, a criminal background check, described in Section  
4259 58-1-301.5;

4260 (ii) meet any other standard related to the criminal background check described in  
4261 Subsection (1)(h)(i), that the division ~~establishes~~ makes by rule in accordance  
4262 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4263 (iii) disclose any criminal history the division requests on a form the division  
4264 approves; and

4265 (i) shall meet with the division ~~[and board if requested by the division or board]~~ or board  
4266 as the division or board may request.

4267 (4) Each applicant for licensure as an armored car security officer:

4268 (a) shall submit an application in a form the division approves;

4269 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in  
4270 accordance with Section 63J-1-504;

4271 (c) may not have been convicted of:

4272 (i) a felony; or

4273 (ii) a crime that when considered with the duties and responsibilities of an armored  
4274 car security officer by the division and the board indicates that the best interests of  
4275 the public are not served by granting the applicant a license;

4276 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.  
4277 Sec. 922(g);

4278 (e) may not have been declared incompetent by a court ~~[of competent]~~ with jurisdiction

4279 by reason of mental defect or disease and not been restored;

4280 (f) ~~[may not be currently suffering from habitual drunkenness or from drug addiction or~~  
4281 ~~dependenee]~~ may not be currently unable to perform the duties required under this  
4282 title due to a mental or physical illness or condition, or engagement in any of the  
4283 behaviors listed in Subsection 58-1-501(2)(a)(v);

4284 (g) shall successfully complete basic education and training requirements ~~[established by~~  
4285 ~~rule by]~~ the division makes by rule in collaboration with the board and in accordance  
4286 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4287 (h) shall successfully complete firearms training requirements ~~[established by rule by]~~  
4288 the division makes by rule in collaboration with the board and in accordance with  
4289 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4290 (i) shall pass the examination requirements ~~[established by rule by]~~ the division make by  
4291 rule in collaboration with the board and in accordance with Title 63G, Chapter 3,  
4292 Utah Administrative Rulemaking Act;

4293 (j) shall:

4294 (i) consent to, and complete, a criminal background check, described in Section  
4295 58-1-301.5;

4296 (ii) meet any other standard related to the criminal background check described in  
4297 Subsection (4)(j)(i), that the division ~~[establishes]~~ makes by rule in accordance  
4298 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4299 (iii) disclose any criminal history the division requests on a form the division  
4300 approves; and

4301 (k) shall meet with the division and board if requested by the division or the board.

4302 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4303 division may make a rule establishing when the division shall request a Federal Bureau  
4304 of Investigation records' review for an applicant who is applying for licensure or  
4305 licensure renewal under this chapter.

4306 Section 68. Section **58-64-302** is amended to read:

4307 **58-64-302 (Effective 07/01/26). Qualifications for licensure.**

4308 (1) An applicant for licensure as a deception detection examiner:

4309 (a) shall submit an application in a form the division approves;

4310 (b) shall pay a fee ~~[determined by the department under]~~ the division determines in  
4311 accordance with Section 63J-1-504;

4312 (c) may not have been convicted of a felony or any other crime that when considered

4313 with the duties and responsibilities of a deception detection examiner is considered  
4314 by the division to indicate that the best interests of the public will not be served by  
4315 granting the applicant a license;

4316 (d) may not have been declared by any court [of competent] with jurisdiction  
4317 incompetent by reason of mental defect or disease and not been restored;

4318 (e) may not be currently suffering from habitual drunkenness or from drug addiction or  
4319 dependenee] may not be currently unable to perform the duties required under this  
4320 title due to a mental or physical illness or condition, or engagement in any of the  
4321 behaviors listed in Subsection 58-1-501(2)(a)(v);

4322 (f) shall have completed one of the following:

4323 (i) have earned a bachelor's degree from a four-year university or college meeting  
4324 standards the division [establishes] makes by rule made in accordance with Title  
4325 63G, Chapter 3, Utah Administrative Rulemaking Act;

4326 (ii) have completed not less than 8,000 hours of investigation experience [approved  
4327 by the division] that the division approves; or

4328 (iii) have completed a combination of university or college education and  
4329 investigation experience, as [defined by rule made by the] the division defines by  
4330 rule the division makes in accordance with Title 63G, Chapter 3, Utah  
4331 Administrative Rulemaking Act, as being equivalent to the requirements under  
4332 Subsection (1)(f)(i) or (1)(f)(ii);

4333 (g) shall have successfully completed a training program in detection deception meeting  
4334 criteria the division [establishes] makes by rule made in accordance with Title 63G,  
4335 Chapter 3, Utah Administrative Rulemaking Act;

4336 (h) shall:

4337 (i) consent to, and complete, a criminal background check, described in Section  
4338 58-1-301.5;

4339 (ii) meet any other standard related to the criminal background check described in  
4340 Subsection (1)(h)(i), that the division [establishes] makes by rule in accordance  
4341 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4342 (iii) disclose any criminal history the division requests on a form the division  
4343 approves; and

4344 (i) shall have performed satisfactorily as a licensed deception detection intern for a  
4345 period of not less than one year and shall have satisfactorily conducted not less than  
4346 100 deception detection examinations under the supervision of a licensed deception

detection examiner.

(2) An applicant for licensure as a deception detection intern:

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

4381 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4382 (iii) disclose any criminal history the division requests on a form the division  
4383 approves; and

4384 (i) shall provide the division with an intern supervision agreement in a form the division  
4385 approves under which:  
4386 (i) a licensed deception detection examiner agrees to supervise the intern; and  
4387 (ii) the applicant agrees to be supervised by that licensed deception detection  
4388 examiner.

4389 (3) An applicant for licensure as a deception detection examination administrator:

4390 (a) shall submit an application in a form the division approves;

4391 (b) shall pay a fee [determined by the department under] the division determines in  
4392 accordance with Section 63J-1-504;

4393 (c) may not have been convicted of a felony or any other crime that when considered  
4394 with the duties and responsibilities of a deception detection examination  
4395 administrator is considered by the division to indicate that the best interests of the  
4396 public will not be served by granting the applicant a license;

4397 (d) may not have been declared by a court [of competent] with jurisdiction incompetent  
4398 by reason of mental defect or disease and not been restored;

4399 (e) [may not be currently suffering from habitual drunkenness or from drug addiction or  
4400 dependence] may not be currently unable to perform the duties required under this  
4401 title due to a mental or physical illness or condition, or engagement in any of the  
4402 behaviors listed in Subsection 58-1-501(2)(a)(v);

4403 (f) shall have earned an associate degree from a state-accredited university or college or  
4404 have an equivalent number of years' work experience;

4405 (g) shall:

4406 (i) consent to, and complete, a criminal background check, described in Section  
4407 58-1-301.5;

4408 (ii) meet any other standard related to the criminal background check described in  
4409 Subsection (3)(g)(i), that the division [establishes] makes by rule in accordance  
4410 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4411 (iii) disclose any criminal history the division requests on a form the division  
4412 approves; and

4413 (h) shall have successfully completed a training program and have obtained certification  
4414 in deception detection examination administration provided by the manufacturer of a

4415 scientific or technology-based software application solution that the director approves.

4416 Section 69. Section **58-67-502** is amended to read:

4417 **58-67-502 (Effective 07/01/26). Unprofessional conduct.**

4418 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

4419 (a) using or employing the services of any individual to assist a licensee in any manner  
4420 not in accordance with the generally recognized practices, standards, or ethics of the  
4421 profession, state law, or division rule;

4422 (b) making a material misrepresentation regarding the qualifications for licensure under  
4423 Section 58-67-302.7 or 58-67-302.8;

4424 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
4425 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,  
4426 Part 2, Dispensing Practice, if applicable;

4427 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and  
4428 Medical Cannabis;

4429 (e) performing or inducing an abortion in violation of the requirements of Section  
4430 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under  
4431 this chapter is found guilty of a crime in connection with the violation;

4432 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:

4433 (i) a wrongful or negligent act or omission of an individual licensed under this  
4434 chapter or an individual under the direction or control of an individual licensed  
4435 under this chapter; or

4436 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);

4437 (g) performing, or causing to be performed, upon an individual who is less than 18 years  
4438 old:

4439 (i) a primary sex characteristic surgical procedure; or

4440 (ii) a secondary sex characteristic surgical procedure; or

4441 (h) designating a child as do not resuscitate without parental consent.

4442 (2) "Unprofessional conduct" does not include:

4443 (a) in compliance with Section 58-85-103:

4444 (i) obtaining an investigational drug or investigational device;

4445 (ii) administering the investigational drug to an eligible patient; or

4446 (iii) treating an eligible patient with the investigational drug or investigational device;  
4447 or

4448 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical

4449 Cannabis:

4450 (i) when acting as a recommending medical provider, as that term is defined in  
4451 Section 26B-4-201, recommending the use of medical cannabis; or  
4452 (ii) when registered as a pharmacy medical provider, as that term is defined in  
4453 Section 26B-4-201, providing pharmacy medical provider services in a medical  
4454 cannabis pharmacy.

4455 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in  
4456 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall  
4457 define unprofessional conduct for a physician described in Subsection (2)(b).

4458 Section 70. Section **58-68-802** is amended to read:

4459 **58-68-802 (Effective 07/01/26). Form of practice.**

4460 (1) An osteopathic physician and surgeon licensed under this chapter may engage in  
4461 practice as an osteopathic physician and surgeon or in the practice of osteopathic  
4462 medicine only as an individual licensee, but as an individual licensee, [he] an osteopathic  
4463 physician and surgeon licensed under this chapter may be:

4464 (a) an individual operating as a business proprietor;  
4465 (b) an employee of another person;  
4466 (c) a partner in a lawfully organized partnership;  
4467 (d) a lawfully formed professional corporation;  
4468 (e) a lawfully organized limited liability company;  
4469 (f) a lawfully organized business corporation; or  
4470 (g) any other form of organization ~~[recognized by the state and not prohibited by~~  
4471 ~~division rule made in collaboration with the board]~~ the state recognizes and that the  
4472 division does not prohibit by rule made in collaboration with the board.

4473 (2) Regardless of the form in which a licensee engages in the practice of osteopathic  
4474 medicine, the licensee may only permit the practice of medicine in that form of business  
4475 practice to be conducted by an individual:

4476 (a) licensed in Utah as an osteopathic physician and surgeon under Section 58-68-301 or  
4477 as a physician and surgeon under Section 58-67-301; and  
4478 (b) who is able to lawfully and competently engage in the practice of medicine to direct  
4479 or interfere in the licensee's practice of medicine.

4480 Section 71. Section **58-69-502** is amended to read:

4481 **58-69-502 (Effective 07/01/26). Unprofessional conduct.**

4482 (1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

4483 (a) sharing professional fees with an unlicensed person or paying any person for sending  
4484 or referring a patient;

4485 (b) making an unsubstantiated claim of superiority in training or skill as a dentist or  
4486 dental hygienist or in the performance of professional services;

4487 (c) refusing authorized agents of the division or state or local health authorities access to  
4488 the facilities related to the practice of dentistry or dental hygiene during normal  
4489 business hours for the purpose of inspection;

4490 (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other  
4491 property or conditions related to the practice of dentistry in a sanitary condition  
4492 consistent with the standards and ethics of the professions of dentistry or dental  
4493 hygiene; [or]

4494 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
4495 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,  
4496 Part 2, Dispensing Practice, if applicable; or

4497 [(e)] (f) falsely making an entry in, or altering, a medical record with the intent to  
4498 conceal:

4499 (i) a wrongful or negligent act or omission of an individual licensed under this  
4500 chapter or an individual under the direction or control of an individual licensed  
4501 under this chapter; or

4502 (ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).

4503 (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:

4504 (a) includes for the practice of dentistry:

4505 (i) advertising or otherwise holding oneself out to the public as practicing a dental  
4506 specialty in which the dentist has not successfully completed the education  
4507 specified for the dental specialty as [defined by] the American Dental  
4508 Association defines; and

4509 (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and  
4510 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice  
4511 Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when  
4512 the dentist has not successfully completed the education specified for the dental  
4513 specialty as [defined by] the American Dental Association defines; and

4514 (b) does not include a dentist who advertises as being qualified in a recognized specialty  
4515 area of dental practice so long as each such advertisement, regardless of form,  
4516 contains a prominent disclaimer that the dentist is licensed as a general dentist or that

4517 the specialty services will be provided by a general dentist.

4518 Section 72. Section **58-70a-503** is amended to read:

4519 **58-70a-503 (Effective 07/01/26). Unprofessional conduct.**

4520 (1) "Unprofessional conduct" includes:

- 4521 (a) violation of a patient confidence to any [person who] person that does not have a  
4522 legal right and a professional need to know the information concerning the patient;
- 4523 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,  
4524 or offering to prescribe, sell, furnish, give away, or administer any prescription drug  
4525 except for a legitimate medical purpose upon a proper diagnosis indicating use of that  
4526 drug in the amounts prescribed or provided;
- 4527 (c) prescribing prescription drugs for oneself or administering prescription drugs to  
4528 oneself, except those that have been legally prescribed for the physician assistant by a  
4529 licensed practitioner and that are used in accordance with the prescription order for  
4530 the condition diagnosed;
- 4531 (d) in a practice that has physician assistant ownership interests, failure to allow a  
4532 physician the independent final decision making authority on treatment decisions for  
4533 the physician's patient;
- 4534 (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical  
4535 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88,  
4536 Part 2, Dispensing Practice, if applicable;
- 4537 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
  - 4538 (i) a wrongful or negligent act or omission of an individual licensed under this  
4539 chapter or an individual under the direction or control of an individual licensed  
4540 under this chapter; or
  - 4541 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- 4542 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and  
4543 Medical Cannabis; or
- 4544 (h) designating a child as do not resuscitate without parental consent.

4545 (2)(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter  
4546 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a  
4547 recommending medical provider, as that term is defined in Section 26B-4-201,  
4548 recommending the use of medical cannabis.

4549 (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in  
4550 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall

4551 define unprofessional conduct for a physician assistant described in Subsection (2)(a).

4552 Section 73. Section **58-72-302** is amended to read:

4553 **58-72-302 (Effective 07/01/26). Qualifications for licensure.**

4554 An applicant for licensure as a licensed acupuncturist shall:

- 4555 (1) submit an application in a form [prescribed by the division] the division approves;
- 4556 (2) pay a fee [determined by the department under] the division determines in accordance  
with Section 63J-1-504;
- 4558 (3) meet the requirements for current active certification in acupuncture under guidelines  
4559 established by the [National Commission for the Certification of Acupuncture and  
4560 Oriental Medicine (NCCAOM)] National Certification Board for Acupuncture and  
4561 Herbal Medicine (NCBAHM) as demonstrated through a current certificate or other  
4562 appropriate documentation;
- 4563 (4) pass the examination [required by the division by rule] the division requires by  
4564 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
4565 Rulemaking Act;
- 4566 (5) establish procedures, as [defined by rule] the division defines by rule the division  
4567 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4568 which shall enable patients to give informed consent to treatment; and
- 4569 (6) meet with the board, if requested, for the purpose of evaluating the applicant's  
4570 qualifications for licensure.

4571 Section 74. Section **58-73-102** is amended to read:

4572 **58-73-102 (Effective 07/01/26). Definitions.**

- 4573 (1) "Adjustment of the articulation of the spinal column" means performance by a  
4574 chiropractic physician by the use of passive movements directed toward the goal of  
4575 restoring joints to their proper physiological relationship of motion and related function,  
4576 releasing adhesions, or stimulating joint receptors using one or more of the following  
4577 techniques:
  - 4578 (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a  
4579 nature that the patient cannot prevent the motion, commencing where the motion  
4580 encounters the elastic barrier of resistance and ends at the limit of anatomical  
4581 integrity;
  - 4582 (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden,  
4583 high velocity, short amplitude thrust;
  - 4584 (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.

4619 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:

4620 (a) the purpose of which is to restore or maintain human health, in which patient care or  
4621 first aid, hygienic, nutritional, or rehabilitative procedures are administered;

4622 (b) which places emphasis upon specific vertebral adjustment, manipulation, and  
4623 treatment of the articulation and adjacent tissues of the spinal column,  
4624 musculoskeletal structure of the body, and nervous system;

4625 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for  
4626 any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or  
4627 the attempt to do so, in accordance with Section 58-73-601;

4628 (d) that involves diagnosing, prescribing treatment, or making a determination of  
4629 treatment necessity for another person's condition by means of:  
4630 (i) a physical examination of the person; or  
4631 (ii) a determination based upon or derived from information supplied directly or  
4632 indirectly by a third person; and

4633 (e) that includes the practice described in this Subsection (9) on an animal subject to:  
4634 (i) Subsection 58-28-307(12);  
4635 (ii) the provisions of this chapter; and  
4636 (iii) division rule.

4637 (10) "Therapeutically position the articulation of the spinal column" means to adjust or  
4638 manipulate the articulation of the spinal column.

4639 Section 75. Section **58-73-302** is amended to read:

4640 **58-73-302 (Effective 07/01/26). Qualifications for licensure.**

4641 (1) Each applicant for licensure as a chiropractic physician, other than an applicant applying  
4642 for a license based on licensure as a chiropractor or chiropractic physician in another  
4643 jurisdiction, shall:

4644 (a) submit an application in a form the division approves;

4645 (b) pay a fee ~~[determined by the department under]~~ the division determines in accordance  
4646 with Section 63J-1-504;

4647 (c) demonstrate satisfactory completion of at least two years of general study in a  
4648 college or university;

4649 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic  
4650 college or university that at the time the degree was conferred was accredited by the  
4651 Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting  
4652 body recognized by the United States Department of Education and by the division

4653 rule made in collaboration with the board;

4654 (e) demonstrate successful completion of:

4655 (i) the National Chiropractic Boards:

4656 (A) Parts I and II;

4657 (B) Written Clinical Competency Examination; and

4658 (C) Physiotherapy;

4659 (ii) the Utah Chiropractic Law and Rules Examination; and

4660 (iii) a practical examination [approved by the division] the division approves in

4661 collaboration with the board;

4662 (f) meet with the board, if requested, for the purpose of reviewing the applicant's

4663 qualifications for licensure; and

4664 (g)(i) consent to, and complete, a criminal background check, described in Section

4665 58-1-301.5;

4666 (ii) meet any other standard related to the criminal background check described in

4667 Subsection (1)(g)(i), that the division [establishes-] makes by rule in accordance

4668 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

4669 (iii) disclose any criminal history the division requests on a form the division

4670 approves.

4671 (2) Each applicant for licensure as a chiropractic physician based on licensure as a

4672 chiropractor or chiropractic physician in another jurisdiction shall:

4673 (a) submit an application in the form the division approves;

4674 (b) pay a fee [determined by the department under] the division determines in accordance

4675 with Section 63J-1-504;

4676 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in

4677 another state under education requirements which were equivalent to the education

4678 requirements in this state to obtain a chiropractor or chiropractic physician license at

4679 the time the applicant obtained the license in the other state;

4680 (d) demonstrate successful completion of[:] the Utah Chiropractic Law and Rules

4681 Examination:

4682 [(i) ~~the Utah Chiropractic Law and Rules Examination; and]~~

4683 [(ii) ~~the Special Purposes Examination for Chiropractic (SPEC) of the National Board~~

4684 ~~of Chiropractic Examiners;~~]

4685 (e) have been actively engaged in the practice of chiropractic for not less than two years

4686 immediately preceding application for licensure in Utah;

4687 (f) meet with the board, if requested, for the purpose of reviewing the applicant's  
4688 qualifications for licensure; and  
4689 (g)(i) consent to, and complete, a criminal background check, described in Section  
4690 58-1-301.5;  
4691 (ii) meet any other standard related to the criminal background check described in  
4692 Subsection (2)(g)(i), that the division [establishes-] makes by rule in accordance  
4693 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
4694 (iii) disclose any criminal history the division requests on a form the division  
4695 provides.

4696 Section 76. Section **58-73-401** is amended to read:

4697 **58-73-401 (Effective 07/01/26). Grounds for denial of license -- Disciplinary  
4698 proceedings -- Limitation on division actions.**

4699 (1) Grounds for the following are in accordance with Section 58-1-401:  
4700 (a) refusing to issue a license to an applicant;  
4701 (b) refusing to renew the license of a licensee;  
4702 (c) revoking, suspending, restricting, or placing on probation the license of a licensee;  
4703 (d) issuing a public or private reprimand to a licensee; and  
4704 (e) issuing a cease and desist order.  
4705 (2) If a court [of competent] with jurisdiction determines a chiropractic physician is  
4706 incompetent, mentally incompetent, incapable, or has a mental illness, the director shall  
4707 suspend the license of that chiropractic physician, even if an appeal is pending.  
4708 (3)(a) If [it appears to the board] the board believes there is reasonable cause to believe a  
4709 chiropractic physician who has not been judicially determined to be incompetent,  
4710 mentally incompetent, incapable, or to have a mental illness, is unable to practice  
4711 chiropractic with reasonable skill and safety [to patients by reason of illness,  
4712 drunkenness, excessive use of drugs, narcotics, chemicals, or any other substance] due  
4713 to a mental or physical illness or condition, or engagement in any of the behaviors  
4714 listed in Subsection 58-1-501(2)(a)(v), or as a result of any mental or physical  
4715 condition, a petition shall be served upon that chiropractic physician for a hearing on  
4716 the sole issue of the capacity of the chiropractic physician to conduct properly the  
4717 practice of the chiropractic physician.  
4718 (b) Every chiropractic physician licensed by this state is considered to have:  
4719 (i) agreed to submit to a mental or physical examination upon receipt of a written  
4720 direction given by the division with the approval of the board; and

4721 (ii) waived all objections to the admissibility of the examining chiropractic  
4722 physician's or other practitioner's testimony or examination reports on the ground  
4723 they constitute a privileged communication.

4724 (c) Failure of a chiropractic physician to submit to an examination under Subsection  
4725 (3)(b) when directed by the division, unless the failure was due to circumstances  
4726 beyond [his-] the chiropractic physician's control, constitutes grounds for immediate  
4727 suspension of the chiropractic physician's license and an order of suspension of the  
4728 license may be entered by the division without the taking of testimony or the  
4729 presentation of evidence.

4730 (d) A chiropractic physician whose license is suspended under this section shall, at  
4731 reasonable intervals, be afforded the opportunity to demonstrate the chiropractic  
4732 physician can resume the competent practice of chiropractic with reasonable skill and  
4733 safety to patients.

4734 (e) Neither the proceedings of the board nor the action taken by [it under-] the board in  
4735 accordance with this section may be used against a chiropractic physician in any  
4736 other proceedings.

4737 (4) The terms of revocation, suspension, or probation under this chapter may include:

4738 (a) revoking the license to practice either permanently or with a stated date before which  
4739 the individual may not apply for licensure;

4740 (b) suspending, limiting, or restricting the license to practice chiropractic for up to five  
4741 years, including limiting the practice of the person to, or excluding from the person's  
4742 practice, one or more specific branches of medicine, including any limitation on  
4743 practice within the specified branches;

4744 (c) requiring the license holder to submit to care, counseling, or treatment by physicians  
4745 approved by or designated by the board, as a condition for licensure;

4746 (d) requiring the license holder to participate in a program of education prescribed by the  
4747 board;

4748 (e) requiring the license holder to practice under the direction of a physician designated  
4749 by the board for a specified period of time; or

4750 (f) other appropriate terms and conditions [determined by the division] the division  
4751 determines in collaboration with the board to be necessary to protect the public  
4752 health, safety, or welfare.

4753 Section 77. Section **58-73-501** is amended to read:

4754 **58-73-501 (Effective 07/01/26). Unprofessional conduct.**

[Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule, and also includes] A person engages in unprofessional conduct if the person:

- (1) [engaging] engages in practice as a chiropractic physician after electing to place [his] the person's license on inactive status, without having established with the board that [he] the person has initiated or completed continuing education necessary to reinstate active status of [his] the person's license;
- (2) [failing] fails to complete required continuing professional education;
- (3) [violating] violates any of the scope of practice standards set forth in Section 58-73-601;
- (4) [failing] fails to maintain patient records in sufficient detail to clearly substantiate a diagnosis, all treatment rendered to the patient in accordance with the recognized standard of chiropractic care, and fees charged for professional services;
- (5) [refusing] refuses to divulge to the division on demand the means, methods, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that information is protected by the physician-patient privilege of Utah and the patient has not waived that privilege;
- (6) [refusing] refuses the division or the division's employees access to [his] the person's office, instruments, laboratory equipment, appliances, or supplies at reasonable times for purposes of inspection;
- (7) fraudulently [representing] represents that curable disease, sickness, or injury can be cured in a stated time, or knowingly making any false statement in connection with the practice of chiropractic;
- (8) [offering, undertaking, or agreeing] offers, undertakes, or agrees to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality;
- (9) willfully and intentionally [making] makes any false statement or entry in any chiropractic office records or other chiropractic records or reports;
- (10) knowingly [engaging] engages in billing practices which are abusive and represent charges which are fraudulent or grossly excessive for services rendered;
- (11) [performing, procuring, or agreeing] performs, procures, or agrees to procure or perform, or [advising, aiding in or abetting, or offering or attempting to procure or aid or abet] advises, aids and abets, offers, or attempts to aid and abet in the procuring of a criminal abortion;
- (12) willfully [betraying or disclosing] betrays or discloses a professional confidence or violation of a privileged communication, except:

4789 (a) as required by law; or  
4790 (b) to assist the division by fully and freely exchanging information concerning  
4791 applicants or licensees with the licensing or disciplinary boards of other states or  
4792 foreign countries, the Utah chiropractic associations, their component societies, or  
4793 chiropractic societies of other states, countries, districts, territories, or foreign  
4794 countries;

4795 (13) directly or indirectly ~~[giving or receiving]~~ gives or receives any fee, commission,  
4796 rebate, or other compensation for professional services not actually rendered or  
4797 supervised, but this subsection does not preclude the legal relationships within lawful  
4798 professional partnerships, corporations, or associations;

4799 (14) knowingly ~~[failing]~~ fails to transfer a copy of pertinent and necessary medical records  
4800 or a summary of them to another physician when requested to do so by the subject  
4801 patient or ~~[his-]~~ the patient's designated representative;

4802 (15) ~~[making]~~ makes a false entry in, or altering, a medical record with the intent to conceal:  
4803 (a) a wrongful or negligent act or omission of an individual licensed under this chapter  
4804 or an individual under the direction or control of an individual licensed under this  
4805 chapter; or  
4806 (b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1);

4807 (16) ~~[sharing]~~ shares professional fees with a ~~[person who]~~ person that is not licensed under  
4808 this chapter; and  
4809 (17) ~~[paying]~~ pays a person for a patient referral.

4810 Section 78. Section **58-73-601** is amended to read:

4811 **58-73-601 (Effective 07/01/26). Scope of practice for a chiropractic physician.**

4812 (1) A chiropractic physician licensed under this chapter may engage in the practice of  
4813 chiropractic as defined in Section 58-73-102 in accordance with the following standards.

4814 (2) A chiropractic physician may:

4815 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this  
4816 Subsection (2);

4817 (b)(i) use x-ray for diagnostic purposes only; and  
4818 (ii) order, for diagnostic purposes only:  
4819 (A) ultrasound;  
4820 (B) magnetic resonance imaging; and  
4821 (C) computerized tomography;

4822 (c) administer:

4823 (i) physical agents, including light, heat, cold, water, air, sound, compression,  
4824 electricity, and electromagnetic radiation except gamma radiation; and  
4825 (ii) physical activities and devices, including:  
4826 (A) exercise with and without devices;  
4827 (B) joint mobilization;  
4828 (C) mechanical stimulation;  
4829 (D) postural drainage;  
4830 (E) traction;  
4831 (F) positioning;  
4832 (G) wound debridement, cleansing, and dressing changes;  
4833 (H) splinting;  
4834 (I) training in locomotion and other functional activities with and without  
4835 assistance devices; and  
4836 (J) correction of posture, body mechanics, and gait;

4837 (d) administer the following topically applied medicinal agents, including steroids,  
4838 anesthetics, coolants, and analgesics for wound care and for musculoskeletal  
4839 treatment, including their use by iontophoresis or phonophoresis;

4840 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;

4841 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may  
4842 not set displaced bone fractures;

4843 (g) inform the patient of possible side effects of medication and recommend referral to  
4844 the prescribing practitioner;

4845 (h) provide instruction in the use of physical measures, activities, and devices for  
4846 preventive and therapeutic purposes;

4847 (i) provide consulting, educational, and other advisory services for the purposes of  
4848 reducing the incidence and severity of physical disability, movement dysfunctions,  
4849 bodily malfunction, and pain;

4850 (j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability,  
4851 movement dysfunction, bodily malfunction, and pain resulting from disorders,  
4852 congenital and aging conditions, injury, and disease; and

4853 (k) administer, interpret, and evaluate tests.

4854 (3) A chiropractic physician may not:  
4855 (a) perform incisive surgery;  
4856 (b) administer drugs or medicines for which an authorized prescription is required by

4857 law except as provided in Subsection (2)(d);  
4858 (c) treat cancer;  
4859 (d) practice obstetrics;  
4860 (e) prescribe or administer x-ray therapy; or  
4861 (f) set displaced fractures.  
4862 (4) A chiropractic physician shall assume responsibility for [his-] the chiropractic physician's  
4863 examinations, diagnoses, and treatment.  
4864 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for  
4865 dispensing, dispense, purchase without a prescription written by a licensed and  
4866 authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a  
4867 prescription to dispense, under Title 58, Chapter 37, Utah Controlled Substances Act, or  
4868 Title 58, Chapter 17b, Pharmacy Practice Act.  
4869 (6) Only primary health care providers licensed under this title as osteopathic physicians,  
4870 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,  
4871 manipulate, or therapeutically position the articulation of the spinal column to the extent  
4872 permitted by their scopes of practice.

4873 Section 79. Section **58-74-302** is amended to read:

4874 **58-74-302 (Effective 07/01/26). Qualifications for state certification.**

4875 (1) Each applicant for state certification as a state certified court reporter under this chapter  
4876 shall:  
4877 [(a) ~~be at least 18 years of age;~~]  
4878 [(b) ~~be a citizen of the United States;~~]  
4879 [(c) (a) submit an application in a form ~~[prescribed by the division]~~ the division approves;  
4880 [(d) (b) pay a fee ~~[determined by the department under]~~ the division determines in  
4881 accordance with Section 63J-1-504;]  
4882 [(e) (c) possess a high degree of skill and ability in the art of court reporting; and  
4883 [(f) (d) submit evidence that the applicant has completed and passed the Registered  
4884 Professional Reporter Examination of the National Court Reporters Association or  
4885 the Certified Verbatim Reporter Examination of the National Verbatim Reporters  
4886 Association.]  
4887 (2) A person granted a certificate to practice as a state certified court reporter may use the  
4888 abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and valid.

4889 Section 80. Section **58-76-603** is amended to read:

4890 **58-76-603 (Effective 07/01/26). Seal -- Authorized use.**

4891        A professional geologist may only affix the licensee's seal to a geologic map,  
4892        cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,  
4893        drawing, plan, or report:  
4894        (1) was personally prepared by the licensee;  
4895        (2) was prepared by an employee, subordinate, associate, or drafter under the supervision of  
4896        a licensee, provided the licensee or a principal affixing [his-] the seal assumes  
4897        responsibility;  
4898        (3) was prepared by a licensed professional geologist in this state or any other state  
4899        provided:  
4900            (a) the licensee in this state affixing the seal performs a thorough review of all work for  
4901            compliance with all applicable laws and rules and the standards of the profession; and  
4902            (b) makes any necessary corrections before submitting the final plan, specification, or  
4903            report:  
4904              (i) to a public authority; or  
4905              (ii) to a client who has contracted with a professional geologist for the geologic map,  
4906              cross-section, or report to be complete and final;  
4907        (4) was prepared in part by a licensed professional geologist in this state or any other state  
4908        provided:  
4909            (a) the licensee in this state clearly identifies that portion of the geologic map,  
4910            cross-section, or report for which the licensee is responsible;  
4911            (b) the licensee in this state affixing the seal performs a thorough review of that portion  
4912            of the geologic map, cross-section, or report for which the licensee is responsible for  
4913            compliance with the standards of the profession; and  
4914            (c) makes any necessary corrections before submitting the final geologic map,  
4915            cross-section, or report for which the licensee is responsible:  
4916              (i) to a public authority; or  
4917              (ii) to a client who has contracted with a professional geologist for the geologic map,  
4918              cross-section, or report to be complete and final;  
4919        (5) was prepared by a person exempt from licensure as a professional geologist provided  
4920        that:  
4921            (a) the licensee in this state affixing the seal performs a thorough review for compliance  
4922            with all applicable laws and rules and the standards of the profession; and  
4923            (b) makes any necessary corrections before submitting the final geologic map,  
4924            cross-section, or report:

4925 (i) to a public authority; or  
4926 (ii) to a client who has contracted with a professional geologist for the geologic map,  
4927 cross-section, or report to be complete and final; or  
4928 (6) meets any additional requirements [established by rule by ]the division makes by  
4929 rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
4930 in collaboration with the board.

4931 Section 81. Section **58-81-103** is amended to read:

4932 **58-81-103 (Effective 07/01/26). Eligibility for volunteer health care practitioner**  
4933 **license -- Delegation of service agreement.**

4934 (1) A health care practitioner is eligible to apply to the division and board for a volunteer  
4935 health care practitioner license if the health care practitioner:  
4936 (a) certifies to the division and board that the applicant will be engaged exclusively in  
4937 volunteer health care services; and  
4938 (b) completes an application for a volunteer health care practitioner license, which  
4939 includes documentation:  
4940 (i) of professional education, exams passed, and graduation;  
4941 (ii) of practice history;  
4942 (iii) of a qualified location for which the health care practitioner will be practicing;  
4943 (iv) identifying the supervising health care practitioner and the supervising health  
4944 care practitioner's delegation of service agreement with the volunteer practitioner;  
4945 and  
4946 (v) that the applicant has:  
4947 (A) previously been issued an unrestricted license to practice in Utah, another  
4948 state of the United States, or a district or territory of the United States;  
4949 (B) never been the subject of any significant disciplinary action in any  
4950 jurisdiction; and  
4951 (C) is in good health and does not have a condition which would impair the health  
4952 care practitioner's ability to practice with reasonable skill and safety to patients.  
4953 (2) A health care provider who has agreed to be a supervising professional for a volunteer  
4954 at a qualified location shall:  
4955 (a) enter into a delegation of service agreement with the volunteer health care  
4956 practitioner;  
4957 (b) agree to provide the level of supervision required in Subsection 58-81-102(6);  
4958 (c) determine with the volunteer whether the volunteer's scope of practice or ability to

4959 prescribe controlled substances will be limited by the delegation of service agreement;

4960 (d) include in the delegation of service agreement that the volunteer may not prescribe a

4961 controlled substance to [himself] the volunteer, the volunteer's family, or a staff

4962 member of the qualified location; and

4963 (e) forward the delegation of service agreement to the division.

4964 Section 82. Section **58-87-202** is amended to read:

4965 **58-87-202 (Effective 07/01/26). Registration as an athlete agent -- Form --**

4966 **Requirements.**

4967 (1) An applicant for registration shall submit an application for registration as an athlete

4968 agent to the division in a form [prescribed by the division] the division approves. An

4969 application filed under this section is a public record under Title 63G, Chapter 2,

4970 Government Records Access and Management Act. The applicant [must] shall be an

4971 individual, and the application [must] shall be signed by the applicant under penalty of

4972 perjury. Except as otherwise provided in Subsections (2) and (3), the application [must]

4973 shall contain at least the following:

4974 (a) the name and date and place of birth of the applicant and the following contact

4975 information for the applicant:

4976 (i) the address of the applicant's principal place of business;

4977 (ii) work and mobile telephone numbers; and

4978 (iii) any means of communicating electronically, including a facsimile number, email

4979 address, and personal and business or employer websites;

4980 (b) the name of the applicant's business or employer, if applicable, including for each

4981 business or employer, its mailing address, telephone number, organization form, and

4982 the nature of the business;

4983 (c) each social-media account with which the applicant or the applicant's business or

4984 employer is affiliated;

4985 (d) each business or occupation in which the applicant engaged within five years before

4986 the date of the application, including self-employment and employment by others,

4987 and any professional or occupational license, registration, or certification held by the

4988 applicant during that time;

4989 (e) a description of the applicant's:

4990 (i) formal training as an athlete agent;

4991 (ii) practical experience as an athlete agent; and

4992 (iii) educational background relating to the applicant's activities as an athlete agent;

4993 (f) the name of each student athlete for whom the applicant acted as an athlete agent  
4994 within five years before the date of the application or, if the student athlete is a  
4995 minor, the name of the parent or guardian of the minor, together with the athlete's  
4996 sport and last-known team;

4997 (g) the name and address of each person that:

4998 (i) is a partner, member, officer, manager, associate, or profit sharer or directly or  
4999 indirectly holds an equity interest of 5% or greater of the athlete agent's business [  
5000 ~~if it~~] that is not a corporation; and

5001 (ii) is an officer or director of a corporation employing the athlete agent or a  
5002 shareholder having an interest of 5% or greater in the corporation;

5003 (h) a description of the status of any application by the applicant, or any person named  
5004 under Subsection (1)(g), for a state or federal business, professional, or occupational  
5005 license, other than as an athlete agent, from a state or federal agency, including any  
5006 denial, refusal to renew, suspension, withdrawal, or termination of the license and  
5007 any reprimand or censure related to the license;

5008 (i) whether the applicant, or any person named under Subsection (1)(g), has pleaded  
5009 guilty or no contest to, has been convicted of, or has charges pending for, [a] ~~crime~~  
5010 ~~that would involve moral turpitude or be a felony if committed in this state~~ any crime  
5011 ~~that would be considered a felony in this state or any other crime that, when~~  
5012 ~~considered with the functions and duties of the profession, bears a substantial~~  
5013 ~~relationship to the applicant's ability to safely or competently perform as an athlete~~  
5014 ~~agent~~ and, if so, identification of:  
5015 (i) the crime;  
5016 (ii) the law-enforcement agency involved; and  
5017 (iii) if applicable, the date of the conviction and the fine or penalty imposed;

5018 (j) whether, within 15 years before the date of application, the applicant, or any person  
5019 named under Subsection (1)(g), has been a defendant or respondent in a civil  
5020 proceeding, including a proceeding seeking an adjudication of incompetence and, if  
5021 so, the date and a full explanation of each proceeding;

5022 (k) whether the applicant, or any person named under Subsection (1)(g), has an  
5023 unsatisfied judgment or a judgment of continuing effect, including alimony or a  
5024 domestic order in the nature of child support, which is not current at the date of the  
5025 application;

5026 (l) whether, within 10 years before the date of application, the applicant, or any person

5027 named under Subsection (1)(g), was adjudicated bankrupt or was an owner of a  
5028 business that was adjudicated bankrupt;

5029 (m) whether there has been any administrative or judicial determination that the  
5030 applicant, or any person named under Subsection (1)(g), made a false, misleading,  
5031 deceptive, or fraudulent representation;

5032 (n) each instance in which conduct of the applicant, or any person named under  
5033 Subsection (1)(g), resulted in the imposition of a sanction, suspension, or declaration  
5034 of ineligibility to participate in an interscholastic, intercollegiate, or professional  
5035 athletic event on a student athlete or a sanction on an educational institution;

5036 (o) each sanction, suspension, or disciplinary action taken against the applicant, or any  
5037 person named under Subsection (1)(g), arising out of occupational or professional  
5038 conduct;

5039 (p) whether there has been a denial of an application for, suspension or revocation of,  
5040 refusal to renew, or abandonment of, the registration of the applicant, or any person  
5041 named under Subsection (1)(g), as an athlete agent in any state;

5042 (q) each state in which the applicant currently is registered as an athlete agent or has  
5043 applied to be registered as an athlete agent;

5044 (r) if the applicant is certified or registered by a professional league or players  
5045 association:  
5046 (i) the name of the league or association;  
5047 (ii) the date of certification or registration, and the date of expiration of the  
5048 certification or registration, if any; and  
5049 (iii) if applicable, the date of any denial of an application for, suspension or  
5050 revocation of, refusal to renew, withdrawal of, or termination of, the certification  
5051 or registration or any reprimand or censure related to the certification or  
5052 registration; and

5053 (s) any additional information [required by] the division requires.

5054 (2) Instead of proceeding under Subsection (1), an individual registered as an athlete agent  
5055 in another state may apply for registration as an athlete agent in this state by submitting  
5056 to the division:  
5057 (a) a copy of the application for registration in the other state;  
5058 (b) a statement that identifies any material change in the information on the application  
5059 or verifies there is no material change in the information, signed under penalty of  
5060 perjury; and

5061 (c) a copy of the certificate of registration from the other state.

5062 (3) The division shall issue a certificate of registration to an individual who applies for  
5063 registration under Subsection (2) if the division determines:

5064 (a) the application and registration requirements of the other state are substantially  
5065 similar to or more restrictive than this chapter; and  
5066 (b) the registration has not been revoked or suspended and no action involving the  
5067 individual's conduct as an athlete agent is pending against the individual or the  
5068 individual's registration in any state.

5069 (4) For purposes of implementing Subsection (3), the division shall:

5070 (a) cooperate with national organizations concerned with athlete agent issues and  
5071 agencies in other states that register athlete agents to develop a common registration  
5072 form and determine which states have laws that are substantially similar to or more  
5073 restrictive than this chapter; and  
5074 (b) exchange information, including information related to actions taken against  
5075 registered athlete agents or their registrations, with those organizations and agencies.

5076 Section 83. Section **58-87-203** is amended to read:

5077 **58-87-203 (Effective 07/01/26). Certificate of registration -- Issuance or denial --**

5078 **Renewal.**

5079 (1) Except as otherwise provided in Subsection (2), the division shall issue a certificate of  
5080 registration to an applicant for registration who complies with Subsection 58-87-202(1).

5081 (2) The division may refuse to issue a certificate of registration to an applicant for  
5082 registration under Subsection 58-87-202(1) if the division determines that the applicant  
5083 has engaged in conduct that significantly adversely reflects on the applicant's fitness to  
5084 act as an athlete agent. In making the determination, the division may consider whether  
5085 the applicant has:

5086 (a) pleaded guilty or no contest to, has been convicted of, or has charges pending for, [a  
5087 ~~crime that would involve moral turpitude or be a felony if committed in this state~~] any  
5088 ~~crime that would be considered a felony in this state or any other crime that, when~~  
5089 ~~considered with the functions and duties of the profession, bears a substantial~~  
5090 ~~relationship to the applicant's ability to safely or competently perform as an athlete~~  
5091 ~~agent;~~

5092 (b) made a materially false, misleading, deceptive, or fraudulent representation in the  
5093 application or as an athlete agent;

5094 (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:

- (a) how recently the conduct occurred;
- (b) the nature of the conduct and the context in which [it] the conduct occurred; and
- (c) 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:

- (a) the registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
- (b) 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 84. Section **58-88-201** is amended to read:

**58-88-201 (Effect)**

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

5129 safeguard the drug or device for supplying to a patient.

5130 (b) "Dispense" does not include:

5131 (i) prescribing or administering a drug or device; or

5132 (ii) delivering to a patient a sample packaged for individual use by a licensed  
5133 manufacturer or re-packager of a drug or device.

5134 (2) "Dispensing practitioner" means an individual who:

5135 (a) is currently licensed as:

5136 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

5137 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic  
5138 Medical Practice Act;

5139 (iii) an advanced practice registered nurse under Subsection 58-31b-301(2)(d);

5140 (iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act; ~~or~~

5141 (v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act; or

5142 (vi) an optometrist under Chapter 16a, Utah Optometry Practice Act;

5143 (b) is authorized by state law to prescribe and administer drugs in the course of  
5144 professional practice; and

5145 (c) practices at a licensed dispensing practice.

5146 (3) "Drug" means the same as that term is defined in Section 58-17b-102.

5147 (4) "Health care practice" means:

5148 (a) a health care facility as defined in Section 26B-2-201; or

5149 (b) the offices of one or more private prescribers, whether for individual or group  
5150 practice.

5151 (5) "Licensed dispensing practice" means a health care practice that is licensed as a  
5152 dispensing practice under Section 58-88-202.

5153 Section 85. Section **58-88-204** is amended to read:

5154 **58-88-204 (Effective 07/01/26). Administrative inspections of a dispensing  
5155 practice -- Penalties.**

5156 (1) The division shall conduct audits and inspections of licensed dispensing practices in  
5157 accordance with standards ~~established by the division by rule~~ the division makes  
5158 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5159 (2) Penalties for a violation of this part, including fines and citations, shall be issued by the  
5160 division under:

5161 (a) Section 58-1-502; and

5162 (b) the dispensing practitioner's respective licensing chapter.

5163           Section 86. **Repealer.**  
5164           This bill repeals:  
5165           Section **58-49-5, Certification of persons currently qualified.**  
5166           Section **58-49-6, Certification of persons qualified in other jurisdictions.**  
5167           Section **58-60-511, Experience requirement -- Transition of licensing and experience.**  
5168           Section 87. **Effective Date.**  
5169           This bill takes effect on July 1, 2026.