

Medical Intervention Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to certain medical interventions.

Highlighted Provisions:

This bill:

- defines terms;
- specifies that a health care provider that writes a medical exemption based on the health care provider's professional judgment is not considered unprofessional conduct for professional licensing purposes;
- prohibits government entities from mandating unproven medical countermeasures; and
- creates liability for drug manufacturers and distributors for releasing or distributing an unproven medical countermeasure for public use.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-501, as last amended by Laws of Utah 2024, Chapter 420

63G-29-101, as last amended by Laws of Utah 2024, Chapter 438

ENACTS:

63G-29-202, Utah Code Annotated 1953

78B-3-461, Utah Code Annotated 1953

78B-3-462, Utah Code Annotated 1953

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

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

58-1-501 . Unlawful and unprofessional conduct.

(1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under

- 32 this title and includes:
- 33 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
34 attempting to practice or engage in any profession requiring licensure under this title,
35 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
36 Coach and Technician Licensing Act, if the person is:
- 37 (i) not licensed to do so or not exempted from licensure under this title; or
38 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
39 probationary, or inactive license;
- 40 (b)(i) impersonating another licensee or practicing a profession under a false or
41 assumed name, except as permitted by law; or
42 (ii) for a licensee who has had a license under this title reinstated following
43 disciplinary action, practicing the same profession using a different name than the
44 name used before the disciplinary action, except as permitted by law and after
45 notice to, and approval by, the division;
- 46 (c) knowingly employing any other person to practice or engage in or attempt to practice
47 or engage in any profession licensed under this title if the employee is not licensed to
48 do so under this title;
- 49 (d) knowingly permitting the person's authority to practice or engage in any profession
50 licensed under this title to be used by another, except as permitted by law;
- 51 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
52 license, or otherwise dealing with the division or a licensing board through the use of
53 fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;
- 54 (f)(i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
55 drug or device to a person located in this state:
- 56 (A) without prescriptive authority conferred by a license issued under this title, or
57 by an exemption to licensure under this title; or
58 (B) with prescriptive authority conferred by an exception issued under this title or
59 a multistate practice privilege recognized under this title, if the prescription
60 was issued without first obtaining information, in the usual course of
61 professional practice, that is sufficient to establish a diagnosis, to identify
62 underlying conditions, and to identify contraindications to the proposed
63 treatment; and
- 64 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
65 or cross coverage situation, provided that the person who issues the prescription

66 has prescriptive authority conferred by a license under this title, or is exempt from
67 licensure under this title; or

68 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
69 profession under this title.

70 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
71 defined as unprofessional conduct under this title or under any rule adopted under
72 this title and includes:

73 (i) violating any statute, rule, or order regulating an a profession under this title;

74 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
75 professional or ethical standard applicable to an occupation or profession
76 regulated under this title;

77 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
78 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
79 held in abeyance pending the successful completion of probation with respect to a
80 crime that, when considered with the functions and duties of the profession for
81 which the license was issued or is to be issued, bears a substantial relationship to
82 the licensee's or applicant's ability to safely or competently practice the profession;

83 (iv) engaging in conduct that results in disciplinary action, including reprimand,
84 censure, diversion, probation, suspension, or revocation, by any other licensing or
85 regulatory authority having jurisdiction over the licensee or applicant in the same
86 profession if the conduct would, in this state, constitute grounds for denial of
87 licensure or disciplinary proceedings under Section 58-1-401;

88 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
89 chemicals, to the extent that the conduct does, or might reasonably be considered
90 to, impair the ability of the licensee or applicant to safely engage in the profession;

91 (vi) practicing or attempting to practice a profession regulated under this title despite
92 being physically or mentally unfit to do so;

93 (vii) practicing or attempting to practice a or profession regulated under this title
94 through gross incompetence, gross negligence, or a pattern of incompetency or
95 negligence;

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

99 (ix) practicing or attempting to practice a profession regulated under this title beyond

- 100 the scope of the licensee's competency, abilities, or education;
- 101 (x) practicing or attempting to practice a profession regulated under this title beyond
102 the scope of the licensee's license;
- 103 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
104 through conduct connected with the licensee's practice under this title or otherwise
105 facilitated by the licensee's license;
- 106 (xii) acting as a supervisor without meeting the qualification requirements for that
107 position that are defined by statute or rule;
- 108 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
109 drug or device:
- 110 (A) without first obtaining information in the usual course of professional
111 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
112 identify contraindications to the proposed treatment; or
- 113 (B) with prescriptive authority conferred by an exception issued under this title, or
114 a multi-state practice privilege recognized under this title, if the prescription
115 was issued without first obtaining information, in the usual course of
116 professional practice, that is sufficient to establish a diagnosis, to identify
117 underlying conditions, and to identify contraindications to the proposed
118 treatment;
- 119 (xiv) violating a provision of Section 58-1-501.5;
- 120 (xv) violating the terms of an order governing a license; or
- 121 (xvi) violating Section 58-1-511.
- 122 (b) "Unprofessional conduct" does not include:
- 123 (i) a health care provider, [~~as defined in Section 78B-3-403 and~~] who is licensed
124 under this title, deviating from medical norms or established practices if the
125 conditions described in Subsection (5) are met; [~~and~~]
- 126 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
127 health care provider deviates from medical norms or established practices,
128 including the maladies the health care provider treats, if the health care provider:
- 129 (A) does not guarantee any results regarding any health care service;
- 130 (B) fully discloses on the health care provider's website that the health care
131 provider deviates from medical norms or established practices with a
132 conspicuous statement; and
- 133 (C) includes the health care provider's contact information on the website[-] ; and

134 (iii) a health care provider, whose scope of practice includes writing medical
135 exemptions, writing a medical exemption for an individual after consultation with
136 the individual and based on the professional judgment of the health care provider.

137 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
138 proceeding commenced by the division under this title, a person subject to any of the
139 unlawful and unprofessional conduct provisions of this title is strictly liable for each
140 violation.

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

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

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

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

150 (ii) the conviction was for:

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

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

154 (C) a felony related to criminal fraud or embezzlement, including a felony under
155 Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.

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

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

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

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

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

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

- 168 circumstances;
- 169 (f) after diagnosis but before providing the alternative health care service:
- 170 (i) the health care provider educates the patient on the health care services that are
- 171 within the medical norms and established practices;
- 172 (ii) the health care provider discloses to the patient that the health care provider is
- 173 recommending an alternative health care service that deviates from medical norms
- 174 and established practices;
- 175 (iii) the health care provider discusses the rationale for deviating from medical norms
- 176 and established practices with the patient;
- 177 (iv) the health care provider discloses any potential risks associated with deviation
- 178 from medical norms and established practices; and
- 179 (v) the patient signs and acknowledges a notice of deviation; and
- 180 (g) before providing an alternative health care service, the health care provider discloses
- 181 to the patient that the patient may enter into an agreement describing what would
- 182 constitute the health care provider's negligence related to deviation.
- 183 (6) As used in this section[~~7~~] :
- 184 (a) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 185 (b) [~~"notice~~] "Medical exemption" means a written statement exempting an individual
- 186 from a specific requirement or obligation due to a medical condition or circumstance.
- 187 (c) "Notice of deviation" means a written notice provided by a health care provider to a
- 188 patient that:
- 189 [~~(a)~~] (i) is specific to the patient;
- 190 [~~(b)~~] (ii) indicates that the health care provider is deviating from medical norms or
- 191 established practices in the health care provider's recommendation for the patient's
- 192 treatment;
- 193 [~~(c)~~] (iii) describes how the alternative health care service deviates from medical
- 194 norms or established practices;
- 195 [~~(d)~~] (iv) describes the potential risks and benefits associated with the alternative
- 196 health care service;
- 197 [~~(e)~~] (v) describes the health care provider's reasonably justified rationale regarding
- 198 the reason for the deviation; and
- 199 [~~(f)~~] (vi) provides clear and unequivocal notice to the patient that the patient is
- 200 agreeing to receive the alternative health care service which is outside medical
- 201 norms and established practices.

202 Section 2. Section **63G-29-101** is amended to read:

203

CHAPTER 29. Limitations on Government

204

63G-29-101 . Definitions.

205 (1)(a) "Governmental entity" means:

206

(i) the state;

207

(ii) a county, city, town, school district, special district, special service district, or

208

other political subdivision of the state; or

209

(iii) an independent entity.

210

(b) "Governmental entity" includes an agency, bureau, office, department, division,

211

board, commission, institution, laboratory, or other instrumentality of an entity

212

described in Subsection (1)(a).

213

(2) "Independent entity" means the same as that term is defined in Section 63E-1-102.

214

(3) "Members of a person's social network" means the people a person authorizes to be part

215

of the person's social media communications and network.

216

(4)(a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or other

217

categorization assigned to a person based on:

218

(i) the person's:

219

(A) compliance or noncompliance with government guidance;

220

(B) social media post;

221

(C) participation or membership in a lawful club, association, or union;

222

(D) political affiliation; or

223

(E) employment industry or employer; or

224

(ii) the identity of the members of the person's social network.

225

(b) "Social credit score" does not include:

226

(i) a consumer report as defined in 15 U.S.C. Sec. 1681a;

227

(ii) compliance or noncompliance with statute, administrative rule, or other law; or

228

(iii) a numeric, alphanumeric, or alphabetic value or other categorization assigned to

229

a person for:

230

(A) purposes of education, training, or job performance assessment;

231

(B) purposes of a contest or competition;

232

(C) purposes of hiring a prospective employee or independent contractor;

233

(D) purposes of issuance or taking an action against a professional license,

234

certification, registration, or permit;

- 235 (E) purposes of a professional or tax audit; or
 236 (F) use by a financial institution or an affiliate of a financial institution regulated
 237 under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to
 238 determine risk of loss, impairment, or default.

239 (5) "Unproven medical countermeasure" means the same as that term is defined in Section
 240 78B-3-461.

241 Section 3. Section **63G-29-202** is enacted to read:

242 **63G-29-202 . Prohibition on mandates related to unproven medical**
 243 **countermeasures.**

244 Notwithstanding Sections 26B-1-242, 34A-5-113, 53B-2-113, 53B-3-103, Title 34,
 245 Chapter 56, Workplace Covid-19 Provisions, and Title 53, Chapter 9, Part 3,
 246 Immunization Requirements, a governmental entity may not require an individual to
 247 receive, use, or consume, an unproven medical countermeasure under any circumstance,
 248 including as a condition to receive any type of benefit, educational opportunity, or
 249 employment opportunity.

250 Section 4. Section **78B-3-461** is enacted to read:

251 **Part 4b. Liability for Unproven Medical Countermeasure**

252 **78B-3-461 . Definitions.**

253 As used in this part:

254 (1) "Adequate FDA clinical trial" means a clinical trial:

255 (a) that was at least one year in length; and

256 (b) where the treatment group received the vaccine that is the subject of the clinical trial
 257 and the control group received:

258 (i) a placebo; or

259 (ii) another medical product, medical device, drug, or biologic that is not an unproven
 260 medical countermeasure.

261 (2) "FDA" means the United States Food and Drug Administration.

262 (3) "Unproven medical countermeasure" means any vaccine that:

263 (a) did not complete an adequate FDA clinical trial; or

264 (b) the risk of permanent disability or death from the vaccine has been shown through
 265 clinical trials to be greater than the risk of permanent disability or death caused by the
 266 infection the vaccine is intended to prevent.

267 (4) "Vaccine" means a suspension:

- 268 (a)(i) containing live or inactivated microorganisms;
269 (ii) containing fractions of an infectious agent; or
270 (iii) containing genetic material; and
271 (b) that is designed to be administered through injection or another method to an
272 individual to induce immunity and prevent infectious disease and the infectious
273 disease's sequelae.

274 Section 5. Section **78B-3-462** is enacted to read:

275 **78B-3-462 . Manufacture and distributor liability.**

- 276 (1) In a civil action for damages, a manufacturer or distributor engages in willful
277 misconduct if the manufacturer or distributor knew or should have known at the time of
278 release or distribution that the manufacturer or distributor released or distributed an
279 unproven medical countermeasure for public use.
280 (2) A manufacturer or distributor who engages in willful misconduct as described in
281 Subsection (1), is liable for any death or serious injury that results in the use of the
282 unproven medical countermeasure.

283 Section 6. **Effective date.**

284 This bill takes effect on May 7, 2025.