

Health Care Services Amendments

2027 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Sponsor:

LONG TITLE**General Description:**

This bill amends provisions related to health care services.

Highlighted Provisions:

This bill:

- revises provisions related to health care services;
- amends and clarifies the scope of practice for physicians, advanced practice registered nurses, physician assistants, nurses, and other health care professionals;
- establishes provisions governing surgical procedures and surgical assisting;
- revises requirements related to medical spas and cosmetic medical procedures;
- establishes standards related to the delegation and supervision of certain health care services;
- addresses compounding and medication administration practices;
- establishes requirements related to ketamine treatment clinics and at-home ketamine use;
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-102 (Effective 05/05/27), as last amended by Laws of Utah 2026, Chapter 64

58-11a-102 (Effective 05/05/27), as repealed and reenacted by Laws of Utah 2025, Chapter 491

58-11a-302.18 (Effective 05/05/27), as enacted by Laws of Utah 2025, Chapter 491

58-11a-502 (Effective 05/05/27), as last amended by Laws of Utah 2020, Chapter 339

58-31b-302 (Effective 05/05/27) (Partially Repealed 07/01/28), as repealed and reenacted by Laws of Utah 2026, Chapter 96

58-67-102 (Effective 05/05/27), as last amended by Laws of Utah 2025, Chapter 491
58-68-102 (Effective 05/05/27), as last amended by Laws of Utah 2025, Chapter 491
58-70a-501 (Effective 05/05/27) (Partially Repealed 07/01/28), as last amended by Laws
of Utah 2026, Chapter 96
63I-2-258 (Effective 05/05/27), as last amended by Laws of Utah 2026, Chapter 50

ENACTS:

58-1-606 (Effective 05/05/27), Utah Code Annotated 1953
58-1-607 (Effective 05/05/27), Utah Code Annotated 1953
58-1-608 (Effective 05/05/27), Utah Code Annotated 1953
58-1-609 (Effective 05/05/27), Utah Code Annotated 1953

REPEALS:

58-1-505 (Effective 05/05/27), as enacted by Laws of Utah 2012, Chapter 362
58-1-506 (Effective 05/05/27), as last amended by Laws of Utah 2025, Chapter 491
58-1-507 (Effective 05/05/27), as enacted by Laws of Utah 2012, Chapter 362
58-67-805 (Effective 05/05/27), as enacted by Laws of Utah 2012, Chapter 362
58-68-805 (Effective 05/05/27), as enacted by Laws of Utah 2012, Chapter 362

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

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

58-1-102 (Effective 05/05/27). Definitions.

As used in this title:

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

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

~~[(2) "Cosmetic medical procedure":]~~

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

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

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

~~[(4)] (1) "Department" means the Department of Commerce.~~

~~[(5)] (2) "Director" means the director of the Division of Professional Licensing.~~

- 65 ~~[(6)]~~ (3) "Division" means the Division of Professional Licensing created in Section
66 58-1-103.
- 67 ~~[(7)]~~ (4) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
- 68 ~~[(8)]~~ (5) "Executive director" means the executive director of the Department of Commerce.
- 69 ~~[(9)]~~ (6) "License" includes any license, certificate, registration, or permit authorized in
70 accordance with this title.
- 71 ~~[(10)]~~ (7) "Licensee" includes any holder of a license, certificate, registration, permit,
72 student card, or apprentice card authorized in accordance with this title.
- 73 ~~[(11)(a)(i)]~~ "Nonablative procedure" means a procedure that is expected or intended
74 to alter living tissue, but not intended or expected to excise, vaporize, disintegrate,
75 or remove living tissue.]
- 76 ~~[(ii)]~~ Notwithstanding Subsection (11)(a)(i), nonablative procedure includes hair
77 removal and cryolipolysis.]
- 78 ~~[(b)]~~ "Nonablative procedure" does not include:]
- 79 ~~[(i)]~~ a superficial procedure;]
- 80 ~~[(ii)]~~ the application of permanent make-up;]
- 81 ~~[(iii)]~~ laser tattoo removal; or]
- 82 ~~[(iv)]~~ the use of photo therapy and lasers for neuromusculoskeletal treatments that are
83 performed by an individual licensed under this title who is acting within their
84 scope of practice.]
- 85 ~~[(12)]~~ (8) "Pain clinic" means:
- 86 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 87 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
88 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
89 substances.
- 90 ~~[(13)]~~ "Superficial procedure" means a procedure that is expected or intended to temporarily
91 alter living skin tissue and may excise or remove stratum corneum but have no
92 appreciable risk of damage to any tissue below the stratum corneum.]
- 93 ~~[(14)]~~ (9) "Telemedicine service" means the same as that term is defined in Section
94 26B-4-704.
- 95 ~~[(15)]~~ (10) "Unlawful conduct" means the same as that term is defined in Subsection
96 58-1-501(1).
- 97 ~~[(16)]~~ (11) "Unprofessional conduct" means the same as that term is defined in Subsection
98 58-1-501(2).

Section 2. Section **58-1-606** is enacted to read:

Part 6. Specific Provisions related to Health Care and Health Care Practice.

58-1-606 (Effective 05/05/27). Surgical procedures generally -- Surgical assisting.

(1) As used in this section:

(a) "Advanced practice registered nurse" means an individual licensed under Section 58-31b-301(2)(a).

(b)(i) "Implantation" means the placement of a medical device into a body cavity, natural orifice, or surgically created opening which is intended to remain in the body after the completion of the surgical procedure.

(ii) "Implantation" does not include:

(A) the placement of a tube or catheter into a natural orifice for airway management, feeding, drainage, or decompression; or

(B) the replacement, exchange, or removal of a tube or catheter in an established tract.

(c) "Minor cosmetic medical procedure" means the same as that term is defined in Section 58-1-607.

(d) "Minor surgical procedure" means a surgical procedure that:

(i) in accordance with generally accepted professional standards, is ordinarily performed under minimal sedation as defined in Section 58-1-510, local anesthesia, topical anesthesia, or without anesthesia;

(ii) presents a low risk of death, permanent or severe disability, or permanent or severe unintentional loss of bodily function; and

(iii) does not, in the ordinary course, require post-operative hospitalization or intensive monitoring.

(e) "Physician" means an individual licensed under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act as a physician.

(f) "Physician assistant" means an individual licensed under Chapter 70a, Utah Physician Assistant Act who has completed the collaboration requirements as described in Section 58-70a-307.

(g) "Surgical assisting" means performing a task as part of a surgical procedure that is not a minor surgical procedure.

(h)(i) "Surgical procedure" means a medical intervention that involves the incision, excision, puncture, implantation, repair, destruction, or structural alteration of living tissue, an organ, or a body part.

(ii) "Surgical procedure" does not include the following:

(A) a puncture of tissue for the introduction or withdrawal of a substance at the

intra dermal, subcutaneous, intramuscular or intravascular level;

(B) dry needling as defined in Section 58-24b-102;

(C) the practice of acupuncture as defined in Section 58-72-102;

(D) microneedling that does not exceed a penetration depth of 1.5 millimeters and

does not include energy-based frequency or the infusion of substances;

(E) body piercing as defined in Section 26B-7-401;

(F) ear piercing as defined in Section 26B-7-401;

(G) permanent cosmetics as defined in Section 26B-7-401;

(H) tattooing; or

(I) the practice of electrolysis.

(2)(a) An individual may not perform a procedure authorized under this section unless the individual has the appropriate education, training, and competency to perform the procedure.

(b) As part of an investigation under this title, the division may require an individual to provide documentation of education, training or competency for a specific procedure.

(3)(a) A physician may perform any surgical procedure.

(b) A podiatric physician licensed under Chapter 5a, Podiatric Physician Licensing Act, may perform a surgical procedure on a bone of the foot or ankle.

(c) A dentist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act, may perform a surgical procedure on the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region.

(d) An advanced practice registered nurse may perform any minor surgical procedure.

(e) A physician assistant may perform any minor surgical procedure.

(4) The following may engage in surgical assisting:

(a) an advanced practice registered nurse; or

(b) a physician assistant.

(5) The division may make rules to classify a particular procedure as a surgical procedure, minor surgical procedure, minor cosmetic medical procedure, or as a procedure not governed by this section or Section 58-1-607 if the procedure is of a nature where the procedure's classification under this section is unclear.

Section 3. Section **58-1-607** is enacted to read:

58-1-607 (Effective 05/05/27). Med spas -- Cosmetic medical procedures and

other treatments.

(1) As used in this section:

- (a) "Cosmetic injection" is a procedure in which a medication or substance, including a neurotoxin or a filler, is injected for cosmetic purposes.
- (b) "Direct cosmetic medical procedure supervision" means the responsible cosmetic medical practitioner:
- (i) has authorized the procedure to be done on the patient by the qualified cosmetic practitioner; and
- (ii) is present and available for a face-to-face communication with the qualified cosmetic practitioner when and where a cosmetic medical procedure is performed.
- (c) "General cosmetic medical procedure supervision" means the responsible cosmetic medical practitioner:
- (i) has authorized the procedure to be done on the patient by the qualified cosmetic practitioner;
- (ii) is available in a timely and appropriate manner in person to evaluate and initiate care for a patient with a suspected adverse reaction or complication; and
- (iii) is located within 60 minutes or 60 miles of the medical spa.
- (d) "Implantation" means the same as that term is defined in Section 58-1-606.
- (e) "Indirect cosmetic medical procedure supervision" means the responsible cosmetic medical practitioner:
- (i) has authorized the procedure to be done on the patient by the qualified cosmetic practitioner;
- (ii) has given written instructions to the qualified cosmetic practitioner;
- (iii) is present within the medical spa in which the qualified cosmetic practitioner is providing services; and
- (iv) is available to:
- (A) provide immediate face-to-face communication with the qualified cosmetic practitioner; and
- (B) evaluate the patient, as necessary.
- (f)(i) "Medical spa" means a facility that offers a minor cosmetic medical procedure, a cosmetic injection, or a wellness injection.
- (ii) "Medical spa" does not include a health care facility, as defined in Section 26B-2-201, that is licensed by the Department of Health and Human Services.
- (g) "Minor cosmetic medical procedure" is a minor surgical procedure, as defined in

Section 58-1-606, that:

- (i) is performed to enhance or alter an individual's appearance and not to promote the proper function of the body or prevent or treat illness or disease;
- (ii) in accordance with generally accepted professional standards, is ordinarily performed under topical anesthesia or without anesthesia;
- (iii) does not destroy or alter living tissue below the subcutaneous layer; and
- (iv) does not involve the incision, excision, vaporization, or implantation of living tissue, an organ, or a body part.

(h) "Responsible cosmetic medical practitioner" means an individual who:

(i) is licensed as a:

- (A) a physician under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act;
- (B) an advanced practice registered nurse under Section 58-31b-301(2)(a); or
- (C) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act who has completed the collaboration requirements as described in Section 58-70a-307; and

(ii) has the appropriate education, training, and competency to safely perform and supervise a minor cosmetic medical procedure, cosmetic injection, or wellness injection that the individual performs or supervises.

(i) "Qualified cosmetic practitioner" means an individual who:

(i) for cosmetic medical procedures, is licensed as a:

- (A) master esthetician under Section 58-11a-302.18;
- (B) registered nurse under Section 58-31b-301(2)(g); or
- (C) licensed practical nurse under Section 58-31b-301(2)(f);

(ii) for cosmetic injections and wellness injections, is licensed as a registered nurse under Section 58-31b-301(2)(g).

(j) "Wellness injection" means a procedure:

- (i) in which fluids, nutrients, medications, minerals, vitamins, hormones, peptides, biological products, or blood or a blood derivative are injected directly into a patient's body by an intradermal, subcutaneous, intravenous, or intramuscular route; and
- (ii) that is sought by a patient to alleviate symptoms of temporary discomfort or improve temporary wellness.

(2)(a) The requirements of this section only apply to a minor cosmetic medical

procedure, a cosmetic injection, or a wellness injection that occur in a med spa.

(b) An individual may not perform a procedure or treatment authorized under this section unless the individual has the appropriate education, training, and competency to perform the procedure or treatment.

(3) A facility may not advertise itself as a "medical spa," "med spa," "medical wellness clinic," or other related term unless the facility meets the definition of a medical spa as defined in this section.

(4)(a) A minor cosmetic medical procedure, cosmetic injection, or wellness injection may only be performed by:

(i) a responsible cosmetic medical practitioner; or

(ii) a qualified cosmetic practitioner under the delegation and supervision of a responsible cosmetic medical practitioner.

(b) Before delegating the performance of a minor cosmetic medical procedure, cosmetic injection, or wellness injection to a qualified practitioner, a responsible cosmetic medical practitioner shall:

(i) except as provided in Subsection (4)(c), evaluate the patient, either in person or through telehealth;

(ii) develop a patient-specific cosmetic or wellness treatment plan;

(iii) ensure that emergency protocols are in place for potential risks of the specific procedure;

(iv) ensure that the qualified practitioner who will be performing the procedure has the training and competency to safely perform the procedure; and

(v) ensure that any compounding is performed in accordance with state law, including Subsection 58-1-608, and federal law.

(c) A responsible cosmetic medical practitioner may delegate the patient evaluation required in Subsection (4)(b)(i) to a registered nurse or master esthetician for a minor cosmetic medical procedure that is a hair removal procedure.

(d) If a responsible cosmetic medical practitioner delegates the performance of a minor cosmetic medical procedure, the responsible cosmetic medical practitioner shall maintain:

(i) general cosmetic medical procedure supervision for procedures delegated to a master esthetician or registered nurse; or

(ii) direct cosmetic medical procedure supervision for a procedure delegated to a licensed practical nurse.

(e) If a responsible cosmetic medical practitioner delegates the performance of a cosmetic injection or an wellness injection to a qualified practitioner, the responsible cosmetic medical practitioner shall maintain:

(i) for cosmetic injections, general cosmetic medical procedure supervision for registered nurses; and

(ii) for wellness injections, indirect cosmetic medical supervision for registered nurses.

(f) Notwithstanding Subsections (4)(d) and (e) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, in collaboration with relevant professional boards, that require a higher level of supervision for a specific minor cosmetic medical procedure, cosmetic injection, or wellness injection.

(5)(a) It is unprofessional conduct for a physician, advanced practice registered nurse, or physician assistant:

(i) to act as a responsible cosmetic medical practitioner if the individual does not have the proper licensing and experience required to be a responsible cosmetic medical practitioner; or

(ii) when acting as a responsible cosmetic medical practitioner, to fail to fulfill the duties described in Subsection (4).

(b) It is unprofessional conduct for a master esthetician, registered nurse, or licensed practical nurse to perform a minor cosmetic medical procedure without qualifying as a qualified cosmetic practitioner.

(c) It is unprofessional conduct for a registered nurse to perform a cosmetic injection or wellness injection without qualifying as a qualified cosmetic practitioner.

Section 4. Section **58-1-608** is enacted to read:

58-1-608 (Effective 05/05/27). Compounding generally -- Immediate use.

(1) As used in this section:

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

(b) "Immediate-use compounding" means compounding that is limited to:

(i) the mixing of three or fewer different sterile products; and

(ii) the mixing of a compound that will be administered within four hours following the start of the preparation.

(2) Except as provided in Subsection (3), compounding may only be performed by:

(a) a pharmacist, in accordance with Chapter 17b, Pharmacy Practice Act;

(b) a physician, in accordance with federal law;

(c) an advanced practice registered nurse or physician assistant, limited to immediate-use compounding.

(3) An individual with a license that authorizes the individual to administer a medication may engage in immediate-use compounding if the immediate-use compounding is performed:

(a) in a health care facility, as defined in Section 26B-2-201, that is licensed by the Department of Health and Human Services; and

(b) under the direction of a pharmacist, physician, advanced practice registered nurse, or physician assistant.

(4) An individual engaged in compounding, including immediate-use compounding, shall comply with professional standards adopted by the division in rule.

(5) It is unprofessional conduct for a licensee:

(a) to engage in compounding of any form beyond the licensee's scope of practice as described in this section; or

(b) when compounding, to fail to follow adopted professional standards adopted by the division in rule.

Section 5. Section **58-1-609** is enacted to read:

58-1-609 (Effective 05/05/27). Ketamine clinics -- At-home use.

(1) As used in this section:

(a) "At-home use ketamine" means ketamine prescribed to address a psychiatric condition that would be administered or otherwise used by a patient at a place that is not:

(i) a psychiatric ketamine clinic; or

(ii) a health care facility that is licensed by the Department of Health and Human Services.

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

(c) "Prescriber" means an individual licensed under this title with the authority to prescribe ketamine.

(d)(i) "Psychiatric ketamine clinic" means a facility that offers ketamine treatments for mental health disorders.

(ii) "Psychiatric ketamine clinic" does not include a health care facility that is licensed by the Department of Health and Human Services.

(e) "Responsible medical practitioner" means an individual:

(i) who is licensed as a:

(A) a physician under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act;

(B) an advanced practice registered nurse under Subsection 58-31b-301(2)(a); or

(C) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act who has completed the collaboration requirements as described in Section 58-70a-307; and

(ii) who has 4,000 hours of clinical experience in a residency or post-licensure practice.

(2)(a) Any owner of a psychiatric ketamine clinic shall:

(i) be a responsible medical practitioner; or

(ii) employ at least one responsible medical practitioner.

(b) A ketamine clinic may not administer a ketamine treatment unless:

(i) there is at least one responsible medical practitioner on-site while the ketamine treatment is being administered; and

(ii)(A) at least two staff members are in the room with while the ketamine treatment is being administered; or

(B) the ketamine clinic has a surveillance system in each room where ketamine treatment is administered that retains video footage for one year.

(c) A responsible medical practitioner in a psychiatric ketamine clinic shall ensure that each individual receiving treatment:

(i) has a mental health diagnosis or indication, as determined by someone legally authorized to diagnose, for which there is evidence that ketamine may be efficacious;

(ii) is receiving ongoing mental health treatment from an individual licensed to provide such treatment;

(iii) has a valid order to receive ketamine treatments, given by an individual who is authorized by law:

(A) to prescribe the treatment; and

(B) to diagnose and treat mental health disorders.

(iv) receives dosing that is in accordance with professional standards adopted by the division through rule in collaboration with relevant boards;

(v) is monitored continuously by someone trained to respond to medical needs and by someone trained to respond to psychological needs; and

- 371 (vi) before being discharged, is assessed according to protocols established by the
372 responsible medical practitioner as:
373 (A) having returned to baseline vitals; and
374 (B) being physically and mentally stable.
- 375 (d) If a ketamine clinic maintains a surveillance system under Subsection (2)(b)(ii)(B),
376 the ketamine clinic shall provide video footage of a patient to the patient upon
377 request.
- 378 (3) Except as provided in this Subsection (3), a prescriber may not prescribe at-home use
379 ketamine for a patient.
- 380 (a) A prescriber may prescribe at-home use ketamine for a patient if:
381 (i) the prescriber has evaluated the patient in person during the year preceding the
382 day on which the prescription is provided; and
383 (ii) the patient has received at least two ketamine treatments that:
384 (A) were monitored by a health care practitioner in person; and
385 (B) did not result in the patient experiencing any serious side effects.
- 386 (b) A prescriber prescribing ketamine under this Subsection (3) may only prescribe a
387 three-month supply of at-home use ketamine.
- 388 (c)(i) Except as provided in Subsection (3)(d)(ii), after the first prescription of
389 at-home use ketamine, each time a prescriber issues or renews an at-home use
390 ketamine prescription for a particular patient, the prescriber shall evaluate the
391 patient in person.
- 392 (ii) A prescriber may complete an evaluation through telehealth if the prescriber has
393 evaluated the patient in person during the year preceding the day on which the
394 prescription is provided.
- 395 (4)(a) It is unprofessional conduct for physician, advanced practice registered nurse, or
396 physician assistant:
397 (i) to act as a responsible medical practitioner in a psychiatric ketamine clinic without
398 meeting the qualifications to be a responsible medical practitioner; or
399 (ii) when acting as a responsible medical practitioner in a psychiatric ketamine clinic,
400 to fail to fulfill the duties described in Subsection (2)(c)
- 401 (b) It is unprofessional conduct for a prescriber to prescribe at-home use ketamine in
402 violation of Subsection (3).
- 403 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
404 division shall make rules as necessary to further define the requirements of Subsection

405 (2)(c).

406 Section 6. Section **58-11a-102** is amended to read:

407 **58-11a-102 (Effective 05/05/27). Definitions.**

408 As used in this chapter:

- 409 (1) "Approved apprenticeship" means an apprenticeship that meets the requirements of
410 Section 58-11a-306 for any applicable license or permit type and the requirements
411 established by administrative rules made by the division in collaboration with the board
412 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 413 (2) "Board" means the Cosmetology and Associated Professions Licensing Board created in
414 Section 58-11a-201.
- 415 (3)(a) "Cosmetic medical device" means a nonablative tissue altering energy based
416 device, including a laser, that is expected or intended to alter living tissue, but is not
417 intended or expected to excise, vaporize, disintegrate, or remove living tissue.
- 418 (b) "Cosmetic medical device" includes:
- 419 (i) American National Standards Institute designated Class IIIb and Class IV lasers;
420 (ii) devices that utilize intense pulsed light;
421 (iii) radio frequency devices; and
422 (iv) lipolytic devices.
- 423 (c) "Cosmetic medical device" does not include an American National Standards
424 Institute designated Class IIIa and lower powered device.
- 425 (4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers
426 of the stratum corneum.
- 427 (5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a
428 student is physically present in the same building as the apprentice or student and readily
429 able to establish direct contact with the apprentice or student for consultation, advice,
430 instruction, and evaluation.
- 431 (6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.
- 432 (7)(a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's
433 natural human hair.
- 434 (b) "Hair braiding" includes the following methods or styles:
- 435 (i) African-style braiding;
436 (ii) box braids;
437 (iii) cornrows;
438 (iv) dreadlocks;

- (v) french braids;
- (vi) invisible braids;
- (vii) micro braids;
- (viii) single braids;
- (ix) single plaits;
- (x) twists;
- (xi) visible braids;
- (xii) the use of lock braids;
- (xiii) the use of decorative beads, accessories, and extensions; and
- (xiv) the use of wefts if applied without the use of glue or tape.
- (c) "Hair braiding" does not include:
 - (i) the use of:
 - (A) wefts if applied with the use of glue or tape;
 - (B) synthetic tape;
 - (C) synthetic glue;
 - (D) keratin bonds;
 - (E) fusion bonds; or
 - (F) heat tools;
 - (ii) the cutting of human hair; or
 - (iii) the application of heat, dye, a reactive chemical, or other preparation to:
 - (A) alter the color of the hair; or
 - (B) straighten, curl, or alter the structure of the hair.
- (8) "Instructor" means an individual that is licensed to instruct a discipline that is regulated by this chapter.
- (9) "Licensed school" means a school in Utah that:
 - (a) meets the standards for accreditation established by administrative rules made by the division; or
 - (b) is using curriculum approved by the division.
- (10)(a) "Manual hair removal" means superfluous hair removal that is performed without using a cosmetic medical device or electrolysis.
- (b) "Manual hair removal" includes:
 - (i) the use of depilatories;
 - (ii) shaving;
 - (iii) sugaring;

(iv) tweezing; and

(v) waxing.

(c) "Manual hair removal" does not include threading.

(11) "Minimum service count" means the minimum number of repetitions of a given service a license or permit applicant is required to complete to gain a minimum level of competence as established by administrative rules made by the division for a service.

(12) "Minor cosmetic medical procedure" means the same as that term is defined in Section 58-1-607.

~~[(12)]~~ (13) "Permit" means a safety permit that gives the holder authority to perform certain services.

~~[(13)]~~ (14) "Recognized school" means a school located in a jurisdiction other than Utah whose students, upon graduation, are recognized as having completed the educational requirements for the licensure in the jurisdiction in which the school is located.

~~[(14)]~~ (15) "Representative of a licensed school" means an individual:

(a) that is acting in the individual's capacity as an employee of a licensed school; or

(b) with an ownership or financial interest in a licensed school.

~~[(15)]~~ (16) "Salon" means a place, shop, or establishment in which an individual licensed or permitted under this chapter practices the individual's discipline.

~~[(16)]~~ (17) "Threading" means a method of removing hair from the eyebrows, upper lip, or other body parts by using cotton thread to pull hair from follicles without the use of chemicals, heat, or wax.

~~[(17)]~~ (18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-502.

~~[(18)]~~ (19) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-501 and as may be further defined by administrative rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 7. Section **58-11a-302.18** is amended to read:

58-11a-302.18 (Effective 05/05/27). Practice of master esthetics -- Master esthetics license -- Qualifications.

(1)(a) The practice of master esthetics includes:

(i) body wraps, as defined by administrative rules made by the division;

(ii) hydrotherapy, as defined by administrative rules made by the division;

(iii) limited chemical exfoliation and chemical exfoliation, as defined by

- 507 administrative rules made by the division;
- 508 (iv) callous removal by buffing or filing;
- 509 (v) sanding, including microdermabrasion;
- 510 (vi) advanced extraction;
- 511 (vii) dermaplaning;
- 512 (viii) other esthetic preparations or procedures that use:
- 513 (A) the hands; or
- 514 (B) a mechanical or electrical apparatus that is approved for use by administrative
- 515 rules made by the division;
- 516 (ix) ~~[the use of a cosmetic medical device to perform nonablative procedures]~~
- 517 performing a minor cosmetic medical procedure in accordance with Section
- 518 58-1-607, including:
- 519 (A) laser hair removal;
- 520 (B) body contouring;
- 521 (C) anti-aging resurfacing enhancements; and
- 522 (D) photo rejuvenation;
- 523 (x) lymphatic massage by manual or other means as defined by administrative rules
- 524 made by the division;
- 525 (xi) manual hair removal;
- 526 (xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays
- 527 or masks, and manual extraction, including a comedone extractor;
- 528 (xiii) natural nail manicures and pedicures; and
- 529 (xiv) eyelash and eyebrow technology.
- 530 (b) An individual with a master esthetics license may not perform any service described
- 531 in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.
- 532 ~~[(e) An individual with a master esthetics license may perform:]~~
- 533 ~~[(i) a procedure described in Subsections (1)(a)(ix)(A) through (D) pursuant to the~~
- 534 ~~requirements described in Section 58-1-506; and]~~
- 535 ~~[(ii) chemical exfoliation pursuant to the supervision requirements established by~~
- 536 ~~administrative rules made by the division in accordance with Title 63G, Chapter 3,~~
- 537 ~~Utah Administrative Rulemaking Act.]~~
- 538 ~~[(d)]~~ (c) Except as required in ~~[Subsection (1)(e)]~~ Section 58-1-607, a procedure
- 539 described in this section that is performed by an individual with a master esthetics
- 540 license may be performed without supervision by a medical professional.

- (2) An individual may not engage in the practice of master esthetics unless the individual holds a master esthetics license.
- (3) An applicant for a master esthetics license shall comply with the requirements of Section 58-11a-302 and:
- (a) attend a licensed or recognized school and complete a curriculum that:
 - (i) covers:
 - (A) eyelash and eyebrow technology;
 - (B) ~~[cosmetic medical procedures;]~~ minor cosmetic medical procedure;
 - (C) body contouring and lymphatic massage; and
 - (D) advanced skincare; and
 - (ii) has a minimum of 1,200 hours of instruction or the equivalent number of credit hours; or
 - (b) complete an approved master esthetics apprenticeship.
- (4) If the applicant graduates from a recognized school with less than 1,200 hours of instruction, the applicant may count hours practiced as an esthetician in a jurisdiction other than Utah to satisfy the 1,200 total hours requirement.
- (5) An individual with a master esthetics license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).
- Section 8. Section **58-11a-502** is amended to read:
- 58-11a-502 (Effective 05/05/27). Unlawful conduct.**
- Unlawful conduct includes:
- (1) practicing or engaging in, or attempting to practice or engage in activity for which a license is required under this chapter unless:
 - (a) the person holds the appropriate license under this chapter; or
 - (b) an exemption in Section 58-1-307 or 58-11a-304 applies;
 - (2) touching, or applying an instrument or device to the following areas of a client's body:
 - (a) the genitals or the anus, except in cases where the patron states to a licensee that the patron requests a hair removal procedure and signs a written consent form, which must also include the witnessed signature of a legal guardian if the patron is a minor, authorizing the licensee to perform a hair removal procedure; or
 - (b) the breast of a female patron, except in cases in which the female patron states to a licensee that the patron requests breast skin procedures and signs a written consent form, which must also include the witnessed signature of a parent or legal guardian if the patron is a minor, authorizing the licensee to perform breast skin procedures;

- 575 (3) using or possessing a solution composed of at least 10% methyl methacrylate on a client;
- 576 (4) ~~[performing an ablative procedure as defined in Section 58-67-102]~~ performing a
- 577 surgical procedure or a minor surgical procedure as defined in Section 58-1-606, unless
- 578 the procedure is a minor cosmetic medical procedure performed by a master esthetician;
- 579 (5) when acting as an instructor regarding a service requiring licensure under this chapter,
- 580 for a class or education program where attendees are not licensed under this chapter,
- 581 failing to inform each attendee in writing that:
- 582 (a) taking the class or program without completing the requirements for licensure under
- 583 this chapter is insufficient to certify or qualify the attendee to perform a service for
- 584 compensation that requires licensure under this chapter; and
- 585 (b) the attendee is required to obtain licensure under this chapter before performing the
- 586 service for compensation; or
- 587 (6) failing as a salon or school where nail technology is practiced or taught to maintain a
- 588 source capture system required under Title 15A, State Construction and Fire Codes Act,
- 589 including failing to maintain and clean a source capture system's air filter according to
- 590 the manufacturer's instructions.

591 Section 9. Section **58-31b-302** is amended to read:

592 **58-31b-302 (Effective 05/05/27) (Partially Repealed 07/01/28). Qualifications for**

593 **licensure -- Scope of practice -- Criminal background checks.**

- 594 (1)(a) Each applicant for licensure under this chapter, except an applicant under
- 595 Subsection 58-31b-301(2)(e), shall:
- 596 (i) consent to, and complete, a criminal background check, described in Section
- 597 58-1-301.5;
- 598 (ii) meet the standards that the division makes by rule in accordance with Title 63G,
- 599 Chapter 3, Utah Administrative Rulemaking Act, related to the criminal
- 600 background check described in Section 58-1-301.5; and
- 601 (iii) disclose the criminal history the division requests on a form the division
- 602 approves.
- 603 (b) If an individual has been charged with a violent felony, as defined in Subsection
- 604 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of
- 605 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in
- 606 abeyance pending the successful completion of probation, the division shall act upon
- 607 the license as required under Section 58-1-401.
- 608 (c) If an individual has been charged with a felony other than a violent felony, as defined

in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation, the division shall determine whether the felony disqualifies the individual for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401.

(2)(a) An applicant for licensure as an advanced practice registered nurse shall:

- (i) submit to the division an application on a form the division approves;
- (ii) pay to the division a fee determined under Section 63J-1-504;
- (iii) have the physical and mental health to safely perform the activities described in Subsection (2)(c);

(iv)(A) receive a graduate degree from an approved education program in advanced practice registered nursing or a related area of specialized knowledge as the division determines appropriate by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(B) have completed a nurse anesthesia program in accordance with Subsection (2)(a)(v);

(v) have completed:

(A) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an approved education program; or

(B) a nurse anesthesia program that is approved by the Council on Accreditation of Nurse Anesthesia Educational Programs or another accrediting body the division approves by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(vi) hold a current registered nurse license in good standing issued by the state or be qualified as a registered nurse;

(vii) to practice within the psychiatric mental health nursing specialty, demonstrate, as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the applicant is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including psychotherapy;

(viii) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah

- 643 Administrative Rulemaking Act;
- 644 (ix) meet with the board, if the board requests, to determine the applicant's
- 645 qualifications for licensure.
- 646 (b) A licensed advanced practice registered nurse may:
- 647 (i) maintain and promote health and prevention of disease;
- 648 (ii) diagnose, treat, correct, consult, and provide a referral;
- 649 (iii) prescribe or administer prescription drugs or devices, including:
- 650 (A) local anesthesia; and
- 651 (B) Schedule II-V controlled substances in accordance with Section 58-31b-803;
- 652 (iv) if a licensed advanced practice registered nurse - certified registered nurse
- 653 anesthetist, engage in the practice of nurse anesthesia;
- 654 (v) engage in other activities that are within the practice of advanced practice
- 655 registered nursing as the division defines by rule the division makes in accordance
- 656 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 657 (A) within the generally recognized scope and standards of advanced practice
- 658 registered nursing; and
- 659 (B) consistent with professionally recognized preparation and education standards
- 660 of an advanced practice registered nurse[-] ;
- 661 (vi) in accordance with Section 58-1-606, perform minor surgical procedures or
- 662 surgical assisting;
- 663 (vii) in accordance with Section 58-1-608, perform immediate-use compounding; and
- 664 (viii) if working in a surgical center or hospital, may provide any medical services
- 665 that are not specifically prohibited under this chapter or rules adopted under this
- 666 chapter, and that are within the advanced practice registered nurse's skills and
- 667 training as determined by the employer of the advanced practice registered nurse.
- 668 [~~(e) Notwithstanding Sections 58-67-805 and 58-68-805, authorization to treat under this~~
- 669 ~~section includes performing minor surgical procedures.]~~
- 670 [(~~d~~)] (c) The division may only define an activity as within the practice of advanced
- 671 practice registered nursing if:
- 672 (i) the activity is:
- 673 (A) within the generally recognized scope of practice for a licensed advanced
- 674 practice registered nurse; and
- 675 (B) consistent with professionally recognized standards; or
- 676 (ii) the inclusion of the activity is consistent with a recommendation from the Office

of Professional Licensure Review.

(3)(a) An applicant for certification as a medication aide certified shall:

- (i) submit an application to the division on a form the division approves;
- (ii) pay a fee to the division as determined under Section 63J-1-504;
- (iii) have a high school diploma or the equivalent;
- (iv) have a current certification as a nurse aide, in good standing, from the Department of Health and Human Services;
- (v) have a minimum of 2,000 hours of experience within the two years before the day on which the applicant submits the application, working as a certified nurse aide in a long-term care facility or another health care facility that the division designates by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (vi) provide letters of recommendation from a health care facility administrator and a registered nurse familiar with the applicant's work practices as a certified nurse aide;
- (vii) have the physical and mental health to safely perform the activities described in Subsection (3)(b);
- (viii) have completed an approved education program for a medication aide certified consisting of at least 60 hours of classroom training and 40 hours of practical training in administering a routine medication to a patient or a resident of a long-term care facility or an equivalent that the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (ix) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- (x) meet with the board, if requested, to determine the applicant's qualifications for licensure.

(b) While under the supervision of a licensed registered nurse, a medication aide certified may:

- (i) provide routine patient care that requires minimal or limited specialized or general knowledge, judgment, and skill, to a patient who:
 - (A) is ill, injured, infirm, or is physically, mentally, developmentally, or intellectually disabled; and

- 711 (B) is in a regulated long-term care facility;
- 712 (ii) administer a routine medication to a patient in accordance with a formulary and
- 713 protocol the division defines by rule the division makes in accordance with Title
- 714 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 715 (iii) engage in other activities that are within the practice of a medication aide
- 716 certified as the division defines by rule the division makes in accordance with
- 717 Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 718 (A) within the generally recognized scope and standards of a medication aide
- 719 certified; and
- 720 (B) consistent with professionally recognized preparation and education standards
- 721 of a medication aide certified.
- 722 (c) The division may only define an activity as within the practice of a medication aide
- 723 certified if:
- 724 (i) the activity is:
- 725 (A) within the generally recognized scope of practice for a medication aide
- 726 certified; and
- 727 (B) consistent with professionally recognized standards; or
- 728 (ii) the inclusion of the activity is consistent with a recommendation from the Office
- 729 of Professional Licensure Review.
- 730 (d) A medication aide certified may not assist a resident of a long-term care facility to
- 731 self-administer a medication that the Department of Health and Human Services
- 732 regulates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 733 Rulemaking Act.
- 734 (4)(a) An applicant for licensure as a licensed practical nurse shall:
- 735 (i) submit to the division an application in a form the division approves;
- 736 (ii) pay to the division a fee determined under Section 63J-1-504;
- 737 (iii) have a high school diploma or the equivalent;
- 738 (iv) have the physical and mental health to safely perform the activities described in
- 739 Subsection (4)(b);
- 740 (v) have completed an approved education program for practical nursing or an
- 741 equivalent that the board approves;
- 742 (vi) have passed the examinations the division requires by rule the division makes in
- 743 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 744 Administrative Rulemaking Act; and

- 745 (vii) meet with the board, if requested, to determine the applicant's qualifications for
746 licensure.
- 747 (b) A licensed practical nurse may, while under the direction of a licensed registered
748 nurse, licensed physician, or other health care professional the division specifies by
749 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
750 Rulemaking Act:
- 751 (i) contribute to the assessment of the health status of a patient;
752 (ii) participate in the development and modification of the strategy of care;
753 (iii) implement appropriate aspects of the strategy of care;
754 (iv) maintain safe and effective nursing care rendered to a patient directly or
755 indirectly;
756 (v) participate in the evaluation of responses to interventions;
757 (vi) perform other activities that are within the generally recognized scope of practice
758 of a licensed practical nurse as the division defines by rule the division makes in
759 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
760 (vii) engage in practice of practical nursing, as the division defines by rule the
761 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
762 Rulemaking Act, that is:
- 763 (A) within the generally recognized scope and standards of practical nursing; and
764 (B) consistent with professionally recognized preparation and education standards
765 of a practical nurse.
- 766 (c) The division may only define an activity as within the practice of practical nursing if:
767 (i) the activity is:
- 768 (A) within the generally recognized scope of practice for a licensed practical
769 nurse; and
770 (B) consistent with professionally recognized standards; or
771 (ii) the inclusion of the activity is consistent with a recommendation from the Office
772 of Professional Licensure Review.
- 773 (5)(a) An applicant for licensure as a registered nurse shall:
- 774 (i) submit to the division an application form the division approves;
775 (ii) pay to the division a fee determined under Section 63J-1-504;
776 (iii) have a high school diploma or the equivalent;
777 (iv) have the physical and mental health to safely perform the activities described in
778 Subsection (5)(b);

- 779 (v) complete an approved education program for registered nursing that the division
780 approves;
- 781 (vi) have passed the examinations the division requires by rule the division makes in
782 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
783 Administrative Rulemaking Act; and
- 784 (vii) meet with the board, if the board requests, to determine the applicant's
785 qualifications for licensure.
- 786 (b) A licensed registered nurse may:
- 787 (i) assess the health status of a patient;
- 788 (ii) identify health care needs;
- 789 (iii) establish goals to meet identified health care needs;
- 790 (iv) plan a strategy of care;
- 791 (v) prescribe nursing interventions to implement the strategy of care;
- 792 (vi) implement the strategy of care;
- 793 (vii) render safe and effective nursing care to a patient directly or indirectly;
- 794 (viii) evaluate responses to nursing interventions;
- 795 (ix) teach the theory and practice of nursing;
- 796 (x) manage and supervise the practice of nursing; and
- 797 (xi) engage in other activities that are within the practice of a licensed registered
798 nurse as the division defines by rule the division makes in accordance with Title
799 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:
- 800 (A) within the generally recognized scope and standards of registered nursing; and
- 801 (B) consistent with professionally recognized preparation and education standards
802 of a registered nurse.
- 803 (c) The division may only define an activity as within the practice of a licensed
804 registered nurse if:
- 805 (i) the activity is:
- 806 (A) within the generally recognized scope of practice for a licensed registered
807 nurse; and
- 808 (B) consistent with professionally recognized standards; or
- 809 (ii) the inclusion of the activity is consistent with a recommendation from the Office
810 of Professional Licensure Review.
- 811 (6)(a) An applicant for licensure as a registered nurse apprentice shall:
- 812 (i) submit to the division an application form the division approves;

- 813 (ii) pay to the division a fee determined under Section 63J-1-504;
- 814 (iii) have a high school diploma or the equivalent;
- 815 (iv) have sufficient physical and mental health to safely perform the activities
- 816 described in Subsection (6)(b);
- 817 (v) as determined by an approved education program, be:
 - 818 (A) in good standing with the approved education program; and
 - 819 (B) in the last two semesters, quarters, or competency experiences of the program;
- 820 (vi) have written permission from the program in which the applicant is enrolled; and
- 821 (vii) meet with the board, if requested, to determine the applicant's qualifications for
- 822 licensure.
- 823 (b) A licensed registered nurse apprentice may engage in the practice of a registered
- 824 nurse that:
 - 825 (i) the division defines by rule the division makes that is:
 - 826 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 - 827 Act;
 - 828 (B) within the generally recognized scope and standards of registered nursing; and
 - 829 (C) consistent with professionally recognized preparation and education standards
 - 830 of a registered nurse; and
 - 831 (ii) the registered nurse apprentice performs under the indirect supervision of an
 - 832 individual licensed in accordance with:
 - 833 (A) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), or (2)(g);
 - 834 (B) Chapter 67, Utah Medical Practice Act; or
 - 835 (C) Chapter 68, Utah Osteopathic Medical Practice Act.

836 Section 10. Section **58-67-102** is amended to read:

837 **58-67-102 (Effective 05/05/27). Definitions.**

838 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 839 ~~[(1)(a) "Ablative procedure" means a procedure that is expected to excise, vaporize,~~
- 840 ~~disintegrate, or remove living tissue, including the use of carbon dioxide lasers and~~
- 841 ~~erbium: YAG lasers.]~~
- 842 ~~[(b) "Ablative procedure" does not include:]~~
- 843 ~~[(i) hair removal;]~~
- 844 ~~[(ii) laser tattoo removal; or]~~
- 845 ~~[(iii) eryolipolysis.]~~
- 846 ~~[(2)] (1) "ACGME" means the Accreditation Council for Graduate Medical Education of the~~

American Medical Association.

[(3)] (2) "Administrative penalty" means a monetary fine or citation imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, in accordance with a fine schedule established by the division in collaboration with the board, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

[(4)] (3) "Associate physician" means an individual licensed under Section 58-67-302.8.

[(5)] (4) "Attempted sex change" means an attempt or effort to change an individual's body to present that individual as being of a sex or gender that is different from the individual's biological sex at birth.

[(6)] (5) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by:

- (a) sex and reproductive organ anatomy;
- (b) chromosomal makeup; and
- (c) endogenous hormone profiles.

[(7)] (6) "Board" means the Medical Licensing Board created in Section 58-67-201.

[(8)] (7) "Collaborating physician" means an individual licensed under Section 58-67-302 who enters into a collaborative practice arrangement with an associate physician.

[(9)] (8) "Collaborative practice arrangement" means the arrangement described in Section 58-67-807.

[(10)(a)] ~~"Cosmetic medical device" means tissue altering energy based devices that have the potential for altering living tissue and that are used to perform ablative or nonablative procedures, such as American National Standards Institute designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices, and excludes American National Standards Institute designated Class IIIa and lower powered devices.]~~

[(b)] ~~Notwithstanding Subsection (10)(a), if an American National Standards Institute designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (10)(a).]~~

[(11)(a)] "Cosmetic medical procedure" includes:]

[(i)] ~~the use of cosmetic medical devices to perform ablative or nonablative procedures; or]~~

[(ii)] ~~the injection of medication or substance, including a neurotoxin or a filler, for~~

881 cosmetic purposes.]

882 [(b) "Cosmetic medical procedure" does not include a treatment of the ocular globe
883 including refractive surgery.]

884 [(12)] (9) "Diagnose" means:

885 (a) to examine in any manner another person, parts of a person's body, substances,
886 fluids, or materials excreted, taken, or removed from a person's body, or produced by
887 a person's body, to determine the source, nature, kind, or extent of a disease or other
888 physical or mental condition;

889 (b) to attempt to conduct an examination or determination described under Subsection [
890 (12)(a)] (9)(a);

891 (c) to hold oneself out as making or to represent that one is making an examination or
892 determination as described in Subsection [(12)(a)] (9)(a); or

893 (d) to make an examination or determination as described in Subsection [(12)(a)] (9)(a)
894 upon or from information supplied directly or indirectly by another person, whether
895 or not in the presence of the person making or attempting the diagnosis or
896 examination.

897 [(13)] (10) "LCME" means the Liaison Committee on Medical Education of the American
898 Medical Association.

899 [(14)] (11) "Medical assistant" means an unlicensed individual who may perform tasks as
900 described in Subsection 58-67-305(6).

901 [(15)] (12) "Medically underserved area" means a geographic area in which there is a
902 shortage of primary care health services for residents, as determined by the Department
903 of Health and Human Services.

904 [(16)] (13) "Medically underserved population" means a specified group of people living in
905 a defined geographic area with a shortage of primary care health services, as determined
906 by the Department of Health and Human Services.

907 [(17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended
908 to alter living tissue, but is not intended or expected to excise, vaporize,
909 disintegrate, or remove living tissue.]

910 [(ii) Notwithstanding Subsection (17)(a)(i) nonablative procedure includes hair
911 removal.]

912 [(b) "Nonablative procedure" does not include:]

913 [(i) a superficial procedure as defined in Section 58-1-102;]

914 [(ii) the application of permanent make-up;]

915 ~~[(iii) laser tattoo removal; or]~~

916 ~~[(iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are~~
917 ~~performed by an individual licensed under this title who is acting within the~~
918 ~~individual's scope of practice.]~~

919 [(18)] (14) "Physician" means both physicians and surgeons licensed under Part 3,
920 Licensing, and osteopathic physicians and surgeons licensed under Chapter 68, Part 3,
921 Licensing.

922 [(19)] (15)(a) "Practice of medicine" means:

923 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human
924 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or
925 mental, real or imaginary, ~~[including to perform cosmetic medical procedures]~~, or
926 to attempt to do so, by any means or instrumentality, and by an individual in Utah
927 or outside the state upon or for any human within the state;

928 (ii) when a person not licensed as a physician directs a licensee under this chapter to
929 withhold or alter the health care services that the licensee has ordered;

930 (iii) to perform procedures and delegate procedures in accordance with Sections
931 58-1-606 and 58-1-607;

932 ~~[(iii)]~~ (iv) to maintain an office or place of business for the purpose of doing any of
933 the acts described in Subsection [(19)(a)(i)] (15)(a)(i) or (ii) whether or not for
934 compensation; or

935 ~~[(iv)]~~ (v) to use, in the conduct of any occupation or profession pertaining to the
936 diagnosis or treatment of human diseases or conditions in any printed material,
937 stationery, letterhead, envelopes, signs, or advertisements, the designation
938 "doctor," "doctor of medicine," "physician," "surgeon," "physician and surgeon,"
939 "Dr.," "M.D.," or any combination of these designations in any manner which
940 might cause a reasonable person to believe the individual using the designation is
941 a licensed physician and surgeon, and if the party using the designation is not a
942 licensed physician and surgeon, the designation must additionally contain the
943 description of the branch of the healing arts for which the person has a license,
944 provided that an individual who has received an earned degree of doctor of
945 medicine degree but is not a licensed physician and surgeon in Utah may use the
946 designation "M.D." if it is followed by "Not Licensed" or "Not Licensed in Utah"
947 in the same size and style of lettering.

948 (b) The practice of medicine does not include:

(i) ~~[except for an ablative medical procedure as provided in Subsection (19)(b)(ii)]~~

the conduct described in Subsection ~~[(19)(a)(i)]~~ (15)(a)(i) that is performed in accordance with a license issued under another chapter of this title;

(ii) ~~[an ablative cosmetic medical procedure if the scope of practice for the person~~

~~performing the ablative cosmetic medical procedure includes the authority to~~

~~operate or perform a surgical procedure]~~ a procedure or treatment performed under

58-1-606 or 58-1-607 if the scope of practice for the individual performing

procedure or treatment includes the authority to perform the procedure or treatment;

or

(iii) conduct under Subsection 58-67-501(2).

~~[(20)]~~ (16) "Prescription device" means an instrument, apparatus, implement, machine,

contrivance, implant, in vitro reagent, or other similar or related article, and any

component part or accessory, which is required under federal or state law to be

prescribed by a practitioner and dispensed by or through a person or entity licensed

under this chapter or exempt from licensure under this chapter.

~~[(21)]~~ (17) "Prescription drug" means a drug that is required by federal or state law or rule to

be dispensed only by prescription or is restricted to administration only by practitioners.

~~[(22)]~~ (18)(a) "Primary sex characteristic surgical procedure" means any of the following

if done for the purpose of effectuating or facilitating an individual's attempted sex

change:

(i) for an individual whose biological sex at birth is male, castration, orchiectomy,

penectomy, vaginoplasty, or vulvoplasty;

(ii) for an individual whose biological sex at birth is female, hysterectomy,

oophorectomy, metoidioplasty, or phalloplasty; or

(iii) any surgical procedure that is related to or necessary for a procedure described in

Subsection ~~[(22)(a)(i)]~~ (18)(a)(i) or (ii), that would result in the sterilization of an

individual who is not sterile.

(b) "Primary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably

ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

[(23)] (19)(a) "Secondary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or

(ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.

(b) "Secondary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

[(24)] (20) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

[(25)] (21) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-67-501.

1017 [(26)] (22) "Unprofessional conduct" means the same as that term is defined in Sections
1018 58-1-501 and 58-67-502, and as may be further defined by division rule.

1019 Section 11. Section **58-68-102** is amended to read:

1020 **58-68-102 (Effective 05/05/27). Definitions.**

1021 In addition to the definitions in Section 58-1-102, as used in this chapter:

1022 [(1)(a)] ~~"Ablative procedure" means a procedure that is expected to excise, vaporize,~~
1023 ~~disintegrate, or remove living tissue, including the use of carbon dioxide lasers and~~
1024 ~~erbium: YAG lasers.]~~

1025 [(b)] ~~"Ablative procedure" does not include:~~

1026 [(i)] ~~hair removal; or]~~

1027 [(ii)] ~~laser tattoo removal.]~~

1028 [(2)] (1) "ACGME" means the Accreditation Council for Graduate Medical Education of the
1029 American Medical Association.

1030 [(3)] (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
1031 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
1032 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,
1033 Administrative Procedures Act.

1034 [(4)] (3) "AOA" means the American Osteopathic Association.

1035 [(5)] (4) "Associate physician" means an individual licensed under Section 58-68-302.5.

1036 [(6)] (5) "Attempted sex change" means an attempt or effort to change an individual's body
1037 to present that individual as being of a sex or gender that is different from the
1038 individual's biological sex at birth.

1039 [(7)] (6) "Biological sex at birth" means an individual's sex, as being male or female,
1040 according to distinct reproductive roles as manifested by:

1041 (a) sex and reproductive organ anatomy;

1042 (b) chromosomal makeup; and

1043 (c) endogenous hormone profiles.

1044 [(8)] (7) "Board" means the Medical Licensing Board created in Section 58-67-201.

1045 [(9)] (8) "Collaborating physician" means an individual licensed under Section 58-68-302
1046 who enters into a collaborative practice arrangement with an associate physician.

1047 [(10)] (9) "Collaborative practice arrangement" means the arrangement described in Section
1048 58-68-807.

1049 [(11)(a)] ~~"Cosmetic medical device" means tissue-altering energy-based devices that~~
1050 ~~have the potential for altering living tissue and that are used to perform ablative or~~

nonablative procedures, such as American National Standards Institute designated Class IIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices and excludes American National Standards Institute designated Class IIIa and lower powered devices.]

[(b) Notwithstanding Subsection (11)(a), if an American National Standards Institute designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (11)(a).]

[(12) "Cosmetic medical procedure":]

[(a) includes the use of cosmetic medical devices to perform ablative or nonablative procedures; and]

[(b) does not include a treatment of the ocular globe such as refractive surgery.]

[(13)] (10) "Diagnose" means:

(a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;

(b) to attempt to conduct an examination or determination described under Subsection [(13)(a)] (10)(a);

(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection [(13)(a)] (10)(a); or

(d) to make an examination or determination as described in Subsection [(13)(a)] (10)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.

[(14)] (11) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-68-305(6).

[(15)] (12) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health and Human Services.

[(16)] (13) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health and Human Services.

[(17)(a)(i) "Nonablative procedure" means a procedure that is expected or intended

to alter living tissue, but is not expected or intended to excise, vaporize, disintegrate, or remove living tissue.]

~~[(ii) Notwithstanding Subsection (17)(a)(i), nonablative procedure includes hair removal.]~~

~~[(b) "Nonablative procedure" does not include:]~~

~~[(i) a superficial procedure as defined in Section 58-1-102;]~~

~~[(ii) the application of permanent make-up;]~~

~~[(iii) laser tattoo removal; or]~~

~~[(iv) the use of photo therapy lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.]~~

~~[(18)]~~ (14) "Physician" means both physicians and surgeons licensed under Chapter 67, Part 3, Licensing, and osteopathic physicians and surgeons licensed under Part 3, Licensing.

~~[(19)]~~ (15)(a) "Practice of osteopathic medicine" means:

(i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part is based upon emphasis of the importance of the musculoskeletal system and manipulative therapy in the maintenance and restoration of health, by an individual in Utah or outside of the state upon or for any human within the state;

(ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered;

~~(iii)~~ to perform procedures and delegate the performance of various procedures in accordance with Sections 58-1-606 and 58-1-607;

~~[(iii)]~~ (iv) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection ~~[(19)(a)(i)]~~ (15)(a)(i) or (ii) whether or not for compensation; or

~~[(iv)]~~ (v) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic medicine," "osteopathic physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these designations in any manner which might cause a reasonable person to

believe the individual using the designation is a licensed osteopathic physician, and if the party using the designation is not a licensed osteopathic physician, the designation must additionally contain the description of the branch of the healing arts for which the person has a license, provided that an individual who has received an earned degree of doctor of osteopathic medicine but is not a licensed osteopathic physician and surgeon in Utah may use the designation "D.O." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

(b) The practice of osteopathic medicine does not include:

(i) ~~[except for an ablative medical procedure as provided in Subsection (19)(b)(ii);]~~

the conduct described in Subsection ~~[(19)(a)(i)]~~ (15)(a)(i) that is performed in accordance with a license issued under another chapter of this title;

(ii) ~~[an ablative cosmetic medical procedure if the scope of practice for the person performing the ablative cosmetic medical procedure includes the authority to operate or perform a surgical procedure]~~ a procedure or treatment performed under 58-1-606 or 58-1-607 if the scope of practice for the individual performing procedure or treatment includes the authority to perform the procedure or treatment;
or

(iii) conduct under Subsection 58-68-501(2).

~~[(20)]~~ (16) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person or entity licensed under this chapter or exempt from licensure under this chapter.

~~[(21)]~~ (17) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.

~~[(22)]~~ (18)(a) "Primary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;

(ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or

(iii) any surgical procedure that is related to or necessary for a procedure described in

Subsection [(22)(a)(i)] (18)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.

(b) "Primary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(ii) removing a body part:

(A) because the body part is cancerous or diseased; or

(B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.

[(23)] (19)(a) "Secondary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:

(i) for an individual whose biological sex at birth is male, breast augmentation surgery, chest feminization surgery, or facial feminization surgery; or

(ii) for an individual whose biological sex at birth is female, mastectomy, breast reduction surgery, chest masculinization surgery, or facial masculinization surgery.

(b) "Secondary sex characteristic surgical procedure" does not include:

(i) surgery or other procedures or treatments performed on an individual who:

(A) is born with external biological sex characteristics that are irresolvably ambiguous;

(B) is born with 46, XX chromosomes with virilization;

(C) is born with 46, XY chromosomes with undervirilization;

(D) has both ovarian and testicular tissue; or

(E) has been diagnosed by a physician, based on genetic or biochemical testing, with a sex development disorder characterized by abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a

- male or female; or
- (ii) removing a body part:
- (A) because the body part is cancerous or diseased; or
- (B) for a reason that is medically necessary, other than to effectuate or facilitate an individual's attempted sex change.
- ~~[(24)]~~ (20) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.
- ~~[(25)]~~ (21) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-501.
- ~~[(26)]~~ (22) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-502 and as may be further defined by division rule.
- Section 12. Section **58-70a-501** is amended to read:
- 58-70a-501 (Effective 05/05/27) (Partially Repealed 07/01/28). Scope of practice.**
- (1)(a) A physician assistant may provide any medical services that are not specifically prohibited under this chapter or rules adopted under this chapter, and that are within the physician assistant's skills and scope of competence.
- (b) ~~[Notwithstanding Sections 58-67-805 and 58-68-805, authorization to provide medical services under Subsection (1) includes performing minor surgical procedures]~~
- A physician assistant may, as authorized by Section 58-1-606, perform a minor surgical procedure or engage in surgical assisting.
- (2) A physician assistant shall consult, collaborate with, and refer to appropriate members of the health care team:
- (a) as indicated by the patient's condition;
- (b) based on the physician assistant's education, experience, and competencies;
- (c) the applicable standard of care; and
- (d) if applicable, in accordance with the requirements described in Section 58-70a-307.
- (3) Subject to Section 58-70a-307, the degree of collaboration under Subsection (2):
- (a) shall be determined at the physician assistant's practice, including decisions made by the physician assistant's:
- (i) employer;
- (ii) group;
- (iii) hospital service; or
- (iv) health care facility credentialing and privileging system; and
- (b) may also be determined by a managed care organization with whom the physician

assistant is a network provider.

(4) A physician assistant may only provide health care services:

(a) for which the physician assistant has been trained and credentialed, privileged, or authorized to perform; and

(b) that are within the physician assistant's practice specialty.

(5) A physician assistant may authenticate through a signature, certification, stamp, verification, affidavit, or endorsement any document that may be authenticated by a physician and that is within the physician assistant's scope of practice.

(6) A physician assistant is responsible for the care that the physician assistant provides.

(7)(a) As used in this Subsection (7):

(i) "ALS/ACLS certification" means a certification:

(A) in advanced life support by the American Red Cross;

(B) in advanced cardiac life support by the American Heart Association; or

(C) that is equivalent to a certification described in Subsection (7)(a)(i)(A) or (B).

(ii) "Minimal sedation anxiolysis" means creating a drug induced state:

(A) during which a patient responds normally to verbal commands;

(B) which may impair cognitive function and physical coordination; and

(C) which does not affect airway, reflexes, or ventilatory and cardiovascular function.

(b) Except as provided in Subsections (7)(c) through (e), a physician assistant may not administer general anesthetics.

(c) A physician assistant may perform minimal sedation anxiolysis if the procedure is within the physician assistant's scope of practice.

(d) A physician assistant may perform rapid sequence induction for intubation of a patient if:

(i) the procedure is within the physician assistant's scope of practice;

(ii) the physician assistant holds a valid ALS/ACLS certification and is credentialed and privileged at the hospital where the procedure is performed; and

(iii)(A) a qualified physician is not available and able to perform the procedure; or

(B) the procedure is performed by the physician assistant under supervision of or delegation by a physician.

(e) Subsection (7)(b) does not apply to anesthetics administered by a physician assistant:

(i) in an intensive care unit of a hospital;

(ii) for the purpose of enabling a patient to tolerate ventilator support or intubation;

- 1255 and
- 1256 (iii) under supervision of or delegation by a physician whose usual scope of practice
- 1257 includes the procedure.
- 1258 (8)(a) A physician assistant may prescribe or administer an appropriate controlled
- 1259 substance that is within the physician assistant's scope of practice if the physician
- 1260 assistant holds a Utah controlled substance license and a Drug Enforcement
- 1261 Administration registration.
- 1262 (b) A physician assistant may prescribe, order, administer, and procure a drug or medical
- 1263 device that is within the physician assistant's scope of practice.
- 1264 (c) A physician assistant may dispense a drug if dispensing the drug:
- 1265 (i) is permitted under Title 58, Chapter 17b, Pharmacy Practice Act; and
- 1266 (ii) is within the physician assistant's scope of practice.
- 1267 (d) A physician assistant may, in accordance with Section 58-1-608, perform
- 1268 immediate-use compounding.
- 1269 (9) A physician assistant may not perform or induce an abortion in violation of the
- 1270 requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the
- 1271 physician assistant is found guilty of a crime in connection with the violation.
- 1272 (10) A physician assistant practicing independently may only perform or provide a health
- 1273 care service that:
- 1274 (a) is appropriate to perform or provide outside of a health care facility; and
- 1275 (b) the physician assistant has been trained and credentialed or authorized to provide or
- 1276 perform independently without physician supervision.
- 1277 (11) A physician assistant, while practicing as a physician assistant:
- 1278 (a) shall wear an identification badge showing the physician assistant's license
- 1279 classification as a physician assistant;
- 1280 (b) shall identify themselves to a patient as a physician assistant; and
- 1281 (c) may not identify themselves to any person in connection with activities allowed
- 1282 under this chapter other than as a physician assistant or PA.
- 1283 Section 13. Section **63I-2-258** is amended to read:
- 1284 **63I-2-258 (Effective 05/05/27). Repeal dates: Title 58.**
- 1285 (1) Section 58-1-113, Statewide behavioral health provider database study, is repealed July
- 1286 1, 2027.
- 1287 (2) Subsection 58-1-313(4), regarding a report by the Division of Professional Licensing, is
- 1288 repealed January 1, 2029.

1289 ~~[(3) Subsection 58-31b-302(2)(c), regarding a licensed advanced practice registered nurse's~~
1290 ~~authority to perform minor surgical procedures, is repealed July 1, 2028.]~~

1291 ~~[(4)] (3) Section 58-41-201, regarding the board, is repealed July 1, 2028.~~

1292 ~~[(5)] (4) Subsection 58-41-305(1)(d), regarding the State Board of Education issuing a~~
1293 ~~person a credential, is repealed July 1, 2031.~~

1294 ~~[(6) Subsection 58-70a-501(1)(b), regarding a licensed physician assistant's authority to~~
1295 ~~perform minor surgical procedures, is repealed July 1, 2028.]~~

1296 Section 14. **Repealer.**

1297 This bill repeals:

1298 Section **58-1-505, Cosmetic medical procedure supervisor.**

1299 Section **58-1-506, Supervision of cosmetic medical procedures.**

1300 Section **58-1-507, Cosmetic medical procedure -- Truth in advertising.**

1301 Section **58-67-805, Supervision of cosmetic medical procedures.**

1302 Section **58-68-805, Supervision of cosmetic medical procedures.**

1303 Section 15. **Effective Date.**

1304 This bill takes effect on May 5, 2027.