

26-21-202 Clearance required.

- (1) A covered provider may engage a covered individual only if the individual has clearance.
- (2) A covered contractor may supply a covered individual to a covered employer or covered provider only if the individual has clearance.
- (3) A covered employer may engage a covered individual who does not have clearance.
- (4)
 - (a) Notwithstanding Subsections (1) and (2), if a covered individual does not have clearance, a covered provider may engage the individual or a covered contractor may supply the individual to a covered provider or covered employer:
 - (i) under circumstances specified by department rule; and
 - (ii) only while an application for clearance for the individual is pending.
 - (b) For purposes of Subsection (4)(a), an application is pending if the following have been submitted to the department for the individual:
 - (i) an application for clearance;
 - (ii) the personal identification information specified by the department under Subsection 26-21-204(4)(b); and
 - (iii) any fees established by the department under Subsection 26-21-204(9).

Enacted by Chapter 328, 2012 General Session