

Chapter 33

Medical Fees for Examinations

34-33-101 Definitions.

As used in this chapter:

- (1) "Commission" means the Labor Commission created in Section 34A-1-103.
- (2) "Division" means the Division of Antidiscrimination and Labor created in Section 34A-1-202.
- (3)
 - (a) "Employer" means the same as that term is defined in 29 U.S.C. Sec. 203.
 - (b) "Employer" includes a prospective employer.
- (4) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- (5)
 - (a) "Medical examination" means a physical examination an employer requires as a condition of pre-employment, employment, or continued employment.
 - (b) "Medical examination" includes drug testing.
 - (c) "Medical examination" does not include an appointment conducted to allow an employee to take or return from medical leave following an injury or illness that occurs outside the course and scope of employment.

Enacted by Chapter 300, 2026 General Session

34-33-102 Unlawful for employer to charge employee medical examination fee.

- (1) An employer may not:
 - (a) charge an individual a fee for a medical examination;
 - (b) require an individual to obtain a medical examination unless the employer pays the costs the health care provider charges the individual;
 - (c) require an employee to receive a medical exam that the employer requires outside of the employee's shift without pay; or
 - (d) require an employee to use leave to receive a medical exam that the employer requires.
- (2) An employer may not require an individual to pay for a medical examination even if the employer reimburses the individual.

Renumbered and Amended by Chapter 300, 2026 General Session

34-33-103 Enforcement -- Remedy -- Rulemaking authority.

- (1) The division shall enforce compliance with this chapter by:
 - (a) investigating alleged violations of this chapter; and
 - (b) determining the validity of a claim for a violation of this chapter that an individual files with the division in accordance with Subsection (2).
- (2)
 - (a) An individual may file a claim with the division for a violation of this chapter.
 - (b) An individual shall file a claim under this Subsection (2) within one year after the day on which the individual pays the employer a fee for a medical examination or pays a health care provider for a medical examination.
- (3)

- (a) If the division determines a claim filed in accordance with Subsection (2) is valid, the division shall order the employer to reimburse the fee the individual paid to the employer and the cost the individual paid to the health care provider for the medical examination.
- (b) The division may assess against an employer who violates this chapter, a penalty of up to 5% of:
 - (i) the fee the individual paid to the employer; and
 - (ii) the cost the individual paid to the health care provider for the medical examination.
- (c) The division shall assess the penalty described in Subsection (3)(b) daily until the employer pays:
 - (i) the individual the amount the employer owes to the individual; and
 - (ii) the penalty for a period not to exceed 20 days.
- (d) The division shall:
 - (i) retain 50% of the money the division receives from a penalty payment under Subsection (3) (b) for the costs of administering this chapter; and
 - (ii) pay the 50% not retained under Subsection (3)(d)(i) to the individual.
- (4) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce this chapter.

Enacted by Chapter 300, 2026 General Session

34-33-104 Violation a misdemeanor.

A person that violates the provisions of this chapter is guilty of a class B misdemeanor.

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