

**Effective 5/3/2023**

**Chapter 57  
Portable Benefit Plan**

**Part 1  
General Provisions**

**34-57-101 Definitions.**

As used in this chapter:

- (1) "Hiring party" means a person who hires or enters into a contract with an independent contractor.
- (2) "Independent contractor" means the same as that term is defined in Section 34A-2-103.
- (3) "Portable benefit plan" means a group that:
  - (a) offers an insurance product regulated by:
    - (i) Title 31A, Insurance Code; or
    - (ii) Title 35A, Chapter 4, Employment Security Act; and
  - (b) is assigned to an individual beneficiary and is not associated with a specific employer or hiring party.

Enacted by Chapter 517, 2023 General Session

**34-57-102 Administration -- Assignment of benefits -- Portability.**

- (1) A governmental entity or private entity may offer a portable benefit plan.
- (2) Contributions to a portable benefit plan:
  - (a) shall be voluntary; and
  - (b) may not be used as a criterion for determining a person's employment classification.
- (3) If an Internet or application-based company contributes to a portable benefit plan for the benefit of an individual beneficiary:
  - (a) the contribution is not evidence of employer liability; and
  - (b) a court may not construe the contribution as an element of an employment relationship for purposes of:
    - (i) Title 34A, Chapter 2, Workers' Compensation Act; or
    - (ii) Title 35A, Chapter 4, Employment Security Act.

Enacted by Chapter 517, 2023 General Session