

Effective 5/3/2023

Chapter 17 University of Utah

Part 1 Educational Telecommunications

53B-17-101 Legislative findings on public broadcasting and telecommunications for education.

The Legislature finds and determines the following:

- (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide public broadcasting and telecommunications facility for education in Utah.
- (2) The center shall provide services to citizens of the state in cooperation with higher and public education, state and local government, and private industry.
- (3) Distribution services provided through the center shall include KUED - TV, KUER - FM, and KUEN - TV.
- (4) KUED - TV and KUER - FM are licensed to the University of Utah.
- (5) The Utah Education and Telehealth Network's broadcast entity, KUEN - TV, is licensed to the Utah Board of Higher Education and, together with UETN, is operated on behalf of the state's systems of public and higher education.
- (6) All the entities referred to in Subsection (3) are under the administrative supervision of the University of Utah, subject to the authority and governance of the Utah Board of Higher Education.
- (7) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 365, 2020 General Session

53B-17-101.5 Definitions.

As used in this part:

- (1) "Board" means the Utah Education and Telehealth Network Board.
- (2) "Education Advisory Council" means the Utah Education Network Advisory Council created in Section 53B-17-107.
- (3) "Digital resource" means a digital or online library resource, including a database.
- (4) "Digital resource provider" means an entity that offers a digital resource to customers for license or sale.
- (5) "Obscene or pornographic material" means material that:
 - (a) an average person, applying contemporary community standards, finds that, taken as a whole, appeals to prurient interest in sex;
 - (b) is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
 - (c) taken as a whole does not have serious literary, artistic, political, or scientific value.
- (6) "Telehealth" means the electronic transfer, exchange, or management of related data for diagnosis, treatment, and consultation, and educational, public health, or other related purposes.
- (7) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council created in Section 53B-17-106.

- (8) "Utah Education and Telehealth Network," or "UETN," means a consortium and partnership between public and higher education, the Utah Department of Health, and health care providers, that is created in Section 53B-17-105.

Amended by Chapter 86, 2021 General Session

53B-17-103 General powers of University of Utah related to public broadcasting and telecommunication for education.

- (1) Subject to applicable rules of the Federal Communications Commission and the Utah Board of Higher Education, the University of Utah shall:
- (a) serve as the state's provider of public television services, with programming from the Public Broadcasting Service and other syndicated and locally produced programs;
 - (b) serve as the state's primary provider of public radio services, with programming from National Public Radio and other syndicated and locally produced programs; and
 - (c) subject to Section 53B-7-103, accept and use gifts and apply for and receive funds from federal and other sources to carry out the purposes of this part.
- (2) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate KUED - TV.
- (3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 365, 2020 General Session

53B-17-104 Responsibilities of the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related to public broadcasting and telecommunication for education and government.

- (1) Subject to applicable rules of the Federal Communications Commission and Section 53B-17-105, the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:
- (a) coordinate statewide services of public radio and television;
 - (b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;
 - (c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;
 - (d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;
 - (e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;
 - (f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;
 - (g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;

- (h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;
 - (i) coordinate the development of a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1)(g) and (h);
 - (j) coordinate the provision of the following services to public schools:
 - (i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;
 - (ii) digitization of programs for broadcast purposes; and
 - (iii) program previewing;
 - (k) share responsibility for Instructional Television (ITV) awareness and utilization; and
 - (l) provide teleconference and training services for state and local governmental agencies.
- (2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Amended by Chapter 365, 2020 General Session

53B-17-105 Utah Education and Telehealth Network.

- (1) There is created the Utah Education and Telehealth Network, or UETN.
- (2) UETN shall:
- (a) coordinate and support the telecommunications needs of public and higher education, public libraries, and entities affiliated with the state systems of public and higher education as approved by the Utah Education and Telehealth Network Board, including the statewide development and implementation of a network for education, which utilizes satellite, microwave, fiber-optic, broadcast, and other transmission media;
 - (b) coordinate the various telecommunications technology initiatives of public and higher education;
 - (c) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
 - (d) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;
 - (e) develop or implement other programs or services for the delivery of distance learning and telehealth services as directed by law;
 - (f) apply for state and federal funding on behalf of:
 - (i) public and higher education; and
 - (ii) telehealth services;
 - (g) in consultation with health care providers from a variety of health care systems, explore and encourage the development of telehealth services as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations; and
 - (h) in consultation with the Utah Department of Health, advise the governor and the Legislature on:
 - (i) the role of telehealth in the state;
 - (ii) the policy issues related to telehealth;
 - (iii) the changing telehealth needs and resources in the state; and
 - (iv) state budgetary matters related to telehealth.
- (3) In performing the duties under Subsection (2), UETN shall:

- (a) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;
 - (b) work with the private sector to deliver high-quality, cost-effective services;
 - (c) avoid duplicating facilities, equipment, or services of private providers or public telecommunications service, as defined under Section 54-8b-2;
 - (d) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and
 - (e) assure that public service entities, such as educators, public service providers, and public broadcasters, are provided access to the telecommunications infrastructure developed in the state.
- (4) The University of Utah shall provide administrative support for UETN.
- (5)
- (a) The Utah Education and Telehealth Network Board, which is the governing board for UETN, is created.
 - (b) The Utah Education and Telehealth Network Board shall have 13 members as follows:
 - (i) five members representing the state system of higher education, of which at least one member represents technical colleges, appointed by the commissioner of higher education;
 - (ii) four members representing the state system of public education appointed by the State Board of Education;
 - (iii) one member representing the state library appointed by the state librarian;
 - (iv) two members representing hospitals as follows:
 - (A) the members may not be employed by the same hospital system;
 - (B) one member shall represent a rural hospital;
 - (C) one member shall represent an urban hospital; and
 - (D) the chief administrator or the administrator's designee for each hospital licensed in this state shall select the two hospital representatives; and
 - (v) one member representing the office of the governor, appointed by the governor.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
 - (d)
 - (i) The board shall elect a chair.
 - (ii) The chair shall set the agenda for the board meetings.
- (6) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The board:
- (a) shall hire an executive director for UETN who may hire staff for UETN as permitted by the budget;
 - (b) may terminate the executive director's employment or assignment;
 - (c) shall determine the executive director's salary;
 - (d) shall annually conduct a performance evaluation of the executive director;
 - (e) shall establish policies the board determines are necessary for the operation of UETN and the administration of UETN's duties; and
 - (f) shall advise UETN in:

- (i) the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and telehealth services throughout the state; and
 - (ii) acquiring, producing, and distributing instructional content.
- (8) The executive director of UETN shall be an at-will employee.
 - (9) UETN shall locate and maintain educational and telehealth telecommunication infrastructure throughout the state.
 - (10) Educational institutions shall manage site operations under policy established by UETN.
 - (11) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UETN.
 - (12) If the network operated by the Division of Technology Services is not available, UETN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Amended by Chapter 344, 2021 General Session

53B-17-106 Utah Telehealth Advisory Council.

- (1) There is created the Utah Telehealth Advisory Council, which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Education Advisory Council created in Section 53B-17-107.
- (2) The Utah Telehealth Advisory Council members shall be appointed by the board.
- (3)
 - (a) The Telehealth Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agendas for the meetings of the advisory council and shall report to the board.
 - (b) The Telehealth Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.
- (4) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The board shall provide staff support to the council.
- (6) The council shall:
 - (a) advise and make recommendations on telehealth service issues to the board and other state entities;
 - (b) advise and make recommendations on telehealth-related patient privacy to the board;
 - (c) promote collaborative efforts to establish technical compatibility, uniform policies, and privacy features to meet legal, financial, commercial, and other societal requirements;
 - (d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical, and technological issues that may serve as barriers to telehealth service;
 - (e) explore and encourage the development of telehealth as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations with access to or development of electronic medical records; and
 - (f) seek public input on telehealth issues.

Enacted by Chapter 63, 2014 General Session

53B-17-107 Utah Education Advisory Council.

- (1)
 - (a) There is created the Utah Education Advisory Council which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Telehealth Advisory Council created in Section 53B-17-106.
 - (b) The Utah Education Advisory Council members shall be appointed by the board.
 - (c) The Utah Education Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agenda for Utah Education Advisory Council meetings and report to the board.
 - (d) The Utah Education Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.
- (2) A member of the Utah Education Advisory Council may not receive compensation or benefits for the member's service, but at the executive director's discretion may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (3) The Utah Education Advisory Council shall:
 - (a) advise the board and other public entities regarding:
 - (i) the coordination of the various telecommunications technology initiatives of public and higher education;
 - (ii) how to provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
 - (iii) recommendations for the procurement, installation, and maintenance of telecommunication services and equipment on behalf of public and higher education; and
 - (iv) the development or implementation of other programs or services for the delivery of distance learning and digital health services as directed by law; and
 - (b) seek public input on the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and digital health services throughout the state.
- (4) The board shall provide staff to the council.

Enacted by Chapter 63, 2014 General Session

53B-17-109 Digital resource standards.

- (1) A digital resource purchased or licensed by UETN and offered to students in public schools must have safety policies and technology protection measures that:
 - (a) prohibit and prevent a public school student using the resource from sending, receiving, viewing, or downloading obscene or pornographic material; and
 - (b) filter or block access to obscene or pornographic material.
- (2)
 - (a) Regardless of any contract provision to the contrary, if UETN discovers a digital resource does not meet the requirements described in Subsection (1), UETN:
 - (i) shall notify the digital resource provider; and

- (ii) may withhold future payments pending the digital resource provider's compliance with Subsection (1).
 - (b) A digital resource provider is in breach of contract if the digital resource provider fails to verify compliance with Subsection (1) within 90 days after the day on which UETN provides the notice described in Subsection (2)(a)(i).
 - (c) Beginning June 1, 2021, a contract UETN enters into for a digital resource shall contain provisions that comply with this section.
- (3) Before November 30 of each year, UETN shall submit a report to the Education Interim Committee detailing all instances of a digital resource provider's failure to comply with the provisions of this section.

Enacted by Chapter 86, 2021 General Session

Part 2 Rehabilitation Building

53B-17-201 Proceeds from federal land grants for a Miners' Hospital for Disabled Miners -- Reporting requirements.

- (1) There is appropriated to the University of Utah all funds, assets, and revenues which have been, or will be, derived from the sale or other disposition of those lands conveyed to the state of Utah by those federal grants for a Miners' Hospital for Disabled Miners contained in Section 12 of the Enabling Act and in Chapter 280, Public Laws of the Seventieth Congress, 2nd Session (Act of February 20, 1929) which funds, assets, and revenues now are, or in the future will be, in the custody and control of the School and Institutional Trust Lands Board of Trustees.
- (2) The University of Utah shall report annually to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and the Higher Education Appropriations Subcommittee the following information regarding the administration and operation of the Miners' Hospital for Disabled Miners described in Subsection (1):
 - (a) for each of the five previous fiscal years:
 - (i) an income statement showing all revenue sources and expense categories;
 - (ii) total number of patients served; and
 - (iii) the types of service or care given to patients; and
 - (b) how the University of Utah plans to administer and operate the Miners' Hospital for Disabled Miners in the future.

Amended by Chapter 457, 2013 General Session

53B-17-202 Use of funds -- Rehabilitation building.

The funds, assets, and revenues shall be used for the construction, equipment, furnishings, and operation, or either or any of the same, on the campus of the university of a rehabilitation building, either as a separate structure or as an integrated unit in the University of Utah Medical Center.

Enacted by Chapter 167, 1987 General Session

Part 3

Use of Dead Bodies for Medical Purposes

53B-17-301 Unclaimed dead bodies -- Notice to school of medicine at the University of Utah -- Preservation of dead bodies.

- (1) A county shall, within 24 hours after assuming custody of an unclaimed body for which the county is required to provide burial under Section 26B-8-225, provide notice of the county's custody of the body to the dean of the school of medicine at the University of Utah.
- (2) The notice described in Subsection (1) shall specify the body's probable cause of death.
- (3) Subject to Section 26B-8-225, the county shall, at the request of the dean of the school of medicine at the University of Utah, forward the body to the university, at the university's expense, within 24 hours of receiving the dean's request.
- (4) The school of medicine at the University of Utah shall, for a body it receives under Subsection (3):
 - (a) properly embalm and preserve the body for at least 60 days; and
 - (b) upon request, release the body to a person with priority to control the disposition of the body under Section 58-9-602.

Amended by Chapter 328, 2023 General Session

53B-17-302 Receipt for dead body -- Records.

- (1) A person delivering a body to the university under Section 53B-17-301 shall receive a receipt for the body.
- (2) The School of Medicine is responsible for records kept on any body received under this section.
- (3) The records shall include all facts necessary for proper identification of the body.

Enacted by Chapter 167, 1987 General Session

53B-17-303 Use of unclaimed dead bodies for promotion of science.

- (1) A body unclaimed after 60 days under Section 53B-17-301 may be used for the following purposes:
 - (a) to promote medical and surgical science; and
 - (b) for instruction and study by physicians and students of anatomy and embalming.
- (2) Once these purposes are accomplished, the remains are properly cremated or receive a decent burial.

Amended by Chapter 22, 1989 General Session

53B-17-304 Failure to comply with chapter is a misdemeanor.

A person who commits the following violations is guilty of a class B misdemeanor:

- (1) failure or neglect to give notice required under Subsection 53B-17-301(1); or
- (2) failure or neglect to forward a body upon request under Subsection 53B-17-301(3).

Amended by Chapter 148, 2018 General Session

Part 4

College of Mines and Earth Sciences - Engineering Experiment Station

53B-17-401 College of Mines and Earth Sciences -- Beneficiary of land grants -- Courses of study.

- (1) There is established a College of Mines and Earth Sciences at the University of Utah.
- (2) The college is the beneficiary of all land grants and appropriations made or to be made by the United States to the state for the establishment and maintenance of a school of mines.
- (3) The college may offer courses in and related to mining, metallurgical and electrical engineering, and other branches of engineering that pertain to mining.

Amended by Chapter 32, 1988 General Session

53B-17-402 Utah Engineering Experiment Station.

- (1) There is established a Utah Engineering Experiment Station in conjunction with the College of Mines and Earth Sciences.
- (2) The station is controlled and managed by the University of Utah.

Amended by Chapter 22, 1989 General Session

53B-17-403 Functions of the station.

- (1) The station has the following functions:
 - (a) to conduct experiments and investigations on matters that have the potential to benefit the state's industrial interests or would be for the public good; and
 - (b) to inform the public of the results of the experiments and investigations conducted by the station.
- (2) The station is not to conduct experiments or investigations on those matters that more properly relate to the functions of Utah State University's experiment station.
- (3) The University of Utah makes an annual report on the engineering experiment station to the governor at a time designated by the governor.

Enacted by Chapter 167, 1987 General Session

Part 5 Research Park

53B-17-501 Research park authorized.

The Legislature determines that it is in the public interest of the state of Utah, its citizens, and commerce to develop a research park in Salt Lake County upon property conveyed to the University of Utah under patent from the United States of America dated October 18, 1968.

Enacted by Chapter 167, 1987 General Session

53B-17-502 Definitions.

As used in Sections 53B-17-501 through 53B-17-506:

- (1) "Patent" means the patent covering the land acquired by the University of Utah from the United States of America dated October 18, 1968.

- (2) "Research park" means research and development facilities, research institutes, testing laboratories, related business and government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises acquired and developed by the University of Utah which are suitable or necessary to promote the social welfare of the state of Utah through the advancement of education, science, research, economic development, and related purposes. The acquisition and provision of any one or more of the following facilities may be included as part of the development of land for the research park: water, sewage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, and docking, but only to the extent that the facilities are incidental to the use of the land as a research park.

Enacted by Chapter 167, 1987 General Session

53B-17-503 Administration through nonprofit corporations or foundations -- Control -- Authority of corporations or foundations -- Personnel considered employees of university.

- (1) The University of Utah may establish, develop, and administer through nonprofit corporations or foundations controlled by the president and the board a research park upon the land acquired by the university under the patent.
- (2) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out their public purposes.
- (3) All salaried employees, agents, officers, faculty, and staff of the nonprofit corporation or foundation are for the purpose of employee benefits, employees, agents, officers, faculty, and staff of the University of Utah.

Amended by Chapter 365, 2020 General Session

53B-17-504 Powers of university as related to research park.

The University of Utah has the following powers:

- (1) to establish, acquire, develop, maintain, and operate a research park, including the acquisition of all necessary or suitable buildings, facilities, and improvements, and to acquire, purchase, construct, reconstruct, improve, remodel, add to, extend, maintain, equip, and furnish the research park or any building or facility, including research and service facilities and areas intended for the common use of the research park tenants;
- (2) to form nonprofit corporations or foundations to aid and assist the University of Utah to attain its charitable, scientific, literary, and educational objectives, including the acquisition, construction, financing, operation, and management of a research park;
- (3) to lease to the nonprofit corporation or foundation all or part of the land and facilities included in the research park upon terms and conditions established by the University of Utah, and to enter into any other contract or agreement with the nonprofit corporation or foundation as necessary for the construction, financing, operation, and management of the research park;
- (4) to lease, either directly or through a nonprofit corporation or foundation, to any person, firm, partnership, or corporation engaged in business for a profit any part or all of the land, buildings, or facilities of the research park under guidelines established by the university;
- (5) to allow a lessee to acquire or construct necessary or suitable buildings, facilities, and improvements upon the leased property. Any improvements acquired or constructed upon the premises during the term of the lease reverts to and becomes the property of the university at the termination of the lease, its renewal, or extension; and

- (6) to finance all or part of the cost of the research park including the purchase, construction, reconstruction, improvement, remodeling, addition to, extension, maintenance, equipment, and furnishing as permitted by law for the financing of self-liquidating projects by institutions of higher education.

Enacted by Chapter 167, 1987 General Session

53B-17-505 City to provide services and facilities to research park -- Fees and charges -- Disallowance of special improvement district or special taxes.

- (1) The Salt Lake City Council shall provide police and fire protection and furnish, install, and maintain customary municipal services and facilities for street lighting, traffic control, sidewalks, curb, gutter, drainage, sewage disposal, and water supply to all areas of the research park established upon lands conveyed to the University of Utah under the patent.
- (2) The services and facilities are to be furnished and provided as needed and determined by the board subject to connection fees, use charges, and other service fees customarily assessed against similar persons, companies, or properties within the territorial limits of Salt Lake City.
- (3) No special improvement district may be created or special taxes imposed with respect to the services and facilities provided under this section.

Amended by Chapter 365, 2020 General Session

53B-17-506 Agreements with Department of Transportation regarding research park roads.

The Department of Transportation may enter into agreements with the University of Utah between regular sessions of the Legislature designating all or part of the roads within or adjacent to the research park as part of the state highway system.

Enacted by Chapter 167, 1987 General Session

**Part 6
State Museum of Natural History**

53B-17-601 Utah Museum of Natural History -- Traveling exhibits and Outreach Programs.

- (1) There is established at the University of Utah the Utah Museum of Natural History, where tangible objects reflecting the past, present, and continuing development of our natural history may be collected and displayed for educational and cultural purposes.
- (2)
 - (a) The museum shall make available to people throughout the state, through traveling exhibits and outreach programs, archeological and paleontological objects retrieved from the state of Utah.
 - (b) The museum shall provide professional expertise and assistance in the proper care of the archeological and paleontological collections from state lands as they are housed throughout the state.
- (3) The museum shall submit an annual request to the Legislature to fund the ongoing costs of the programs authorized under Subsection (2) as part of its base budget.

Amended by Chapter 318, 1997 General Session

53B-17-602 Acceptance of gifts.

The University of Utah is authorized to receive gifts, contributions, and donations of all kinds, including tangible objects and specimens for the development of or display in the museum.

Enacted by Chapter 167, 1987 General Session

53B-17-603 Curation and deposit of specimens.

(1) For purposes of this section:

- (a) "Collections" means the same as that term is defined in Section 9-8a-302.
- (b) "Curation facility" means:
 - (i) the museum;
 - (ii) an accredited facility meeting federal curation standards;
 - (iii) for the purposes described in Subsection (3)(c), a paleontology museum; or
 - (iv) an appropriate state park.
- (c) "Museum" means the Utah Museum of Natural History.
- (d) "Paleontology museum" means a museum owned or established by a city of the first or second class, that:
 - (i) is designed for the curation and display of specimens and paleontological resources;
 - (ii) has a designated paleontologist responsible for the care and preservation of the specimens, collections, and paleontological resources; and
 - (iii) is an approved repository, as that term is defined in 43 C.F.R. Sec. 49.5, or has a detailed plan to become an approved repository.
- (e) "Repository" means:
 - (i) a facility designated by the museum through memoranda of agreement;
 - (ii) for the purposes described in Subsection (3)(c), a paleontology museum; or
 - (iii) a place of reburial.
- (f) "School and institutional trust lands" are those properties defined in Section 53C-1-103.

(2) The museum shall make rules to ensure the adequate curation of all collections from lands owned or controlled by the state or its subdivisions. The rules shall:

- (a) conform to, but not be limited by, federal curation policy;
- (b) recognize that collections recovered from school and institutional trust lands are owned by the respective trust, and shall be made available for exhibition as the beneficiaries of the respective trust may request, subject to museum curation policy and the curation facility's budgetary priorities;
- (c) recognize that any collections obtained in exchange for collections found on school and institutional trust lands shall be owned by the respective trust; and
- (d) recognize that if, at its discretion, the curation facility makes and sells reproductions derived from collections found on school or institutional trust lands, any money obtained from these sales shall be given to the respective trust, but the curation facility may retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee for handling the sale.

(3)

- (a) Subject to Subsection (3)(c), the museum may enter into memoranda of agreement with other repositories located in and outside the state to act as its designee for the curation of collections.
- (b) In these memoranda, the museum may delegate some or all of its authority to curate.

- (c) A city that has a paleontology museum may retain, curate, and manage paleontological specimens, paleontological collections, and paleontological resources recovered on lands owned or controlled by the city.
- (4)
 - (a) All collections recovered from lands owned or controlled by the state or its subdivisions shall be deposited at the museum, a curation facility, or at a repository within a reasonable time after the completion of field work.
 - (b) The museum shall make rules establishing procedures for selection of the appropriate curation facility or repository.
 - (c) The rules shall consider:
 - (i) whether the permittee, authorized pursuant to Section 9-8a-305, is a curation facility;
 - (ii) the appropriateness of reburial;
 - (iii) the proximity of the curation facility or repository to the point of origin of the collection;
 - (iv) the preference of the owner of the land on which the collection was found;
 - (v) the nature of the collection and the repository's or curation facility's ability and desire to curate the collection in question, and ability to maximize the scientific, educational, and cultural benefits for the people of the state and the school and institutional trusts;
 - (vi) selection of a second curation facility or repository, if the original repository or curation facility becomes unable to curate the collections under its care; and
 - (vii) establishment of an arbitration process for the resolution of disputes over the location of a curation facility or repository, which shall include an ultimate arbitration authority consisting of the landowner, the state archaeologist or paleontologist, and a representative from the governor's office.
 - (d) The repository or curation facility may charge a curation fee commensurate with the costs of maintaining those collections, except that a fee may not be charged to the respective trust for collections found on school or institutional trust lands.
- (5) The repository or curation facility shall make specimens available through loans to museums and research institutions in and out of the state when, in the opinion of the repository or curation facility:
 - (a) the use of the specimens is appropriate; and
 - (b) arrangements are made for safe custodianship of the specimens.
- (6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin and the Utah Administrative Code.

Amended by Chapter 160, 2023 General Session

Amended by Chapter 188, 2023 General Session

Part 7

Utah Museum of Fine Arts

53B-17-701 Utah Museum of Fine Arts.

- (1) There is established at the University of Utah the Utah Museum of Fine Arts as:
 - (a) a state general and multicultural art museum; and

- (b) a state institution charged with the broad responsibility of collecting and exhibiting, for the education and enrichment of its citizens, art and related objects from around the world from prehistoric times to the present.
- (2) The museum shall:
- (a) serve as a repository in Utah of the objects referred to in Subsection (1);
 - (b) collect and display tangible art objects that reflect the past, present, and continuing development of the visual arts in America and throughout the rest of the world;
 - (c) provide professional expertise and assistance in the proper care of the tangible art objects displayed at the museum; and
 - (d) engage visitors to the museum in discovering meaningful connections with the artistic expressions of the world's cultures by:
 - (i) acting as a responsible steward of the material legacy of the visual arts located at the Utah Museum of Fine Arts for the people of Utah;
 - (ii) serving as a teaching, learning, and research resource for the University of Utah, the state's greater educational community, and the general public;
 - (iii) promoting an open dialogue with visitors and the community about the role of visual arts in our society;
 - (iv) fostering and celebrating the diverse artistic expressions and accomplishments of the people of Utah and around the world;
 - (v) cultivating community partnerships and collaborations to ensure that the visual arts reach a broad spectrum of the general public; and
 - (vi) offering a wide range of experiences that will enable visitors to the museum to explore the variety of ways the arts can inform and enhance the human experience.

Enacted by Chapter 97, 2005 General Session

53B-17-702 Acceptance of gifts.

The University of Utah may receive gifts, contributions, and donations of all kinds, including tangible objects for the development of or display in the museum.

Enacted by Chapter 97, 2005 General Session

Part 9
Health Sciences and School of Medicine

53B-17-901 Admissions -- Increase authorized.

- (1) Beginning with the 2013-14 school year and subject to Subsection (2), the University of Utah School of Medicine may increase the number of students admitted by 40 students for a total of 122 students admitted annually.
- (2) Beginning with the 2013-14 school year, no fewer than 82% of the students admitted annually shall:
 - (a) meet the qualifications of a resident student for the purpose of tuition in accordance with:
 - (i) Section 53B-8-102;
 - (ii) board policy on determining resident status; and
 - (iii) University of Utah policy on determining resident status;
 - (b) have graduated from a public or private college or university located in Utah; or

- (c) have graduated from a public or private high school located in Utah.

Amended by Chapter 365, 2020 General Session

53B-17-902 Health Sciences -- Psychiatry medical residents selection -- Grant program.

(1) As used in this section:

- (a) "Psychiatry resident" means a medical resident practicing in any type of psychiatry specialty or subspecialty, as determined by the university.
- (b) "University" means the University of Utah Health Sciences.

(2)

- (a) Subject to legislative appropriations, beginning with the 2020-21 academic year, the university shall annually select up to four more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2018-19 academic year.
- (b) Subject to legislative appropriations, beginning with the 2021-22 academic year, the university shall annually select up to two more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2019-2020 academic year.
- (c) Nothing in this section prohibits the university from using money from a source other than legislative appropriations to select more than the total number of psychiatry residents described in Subsection (2)(a) or (b).
- (d) The university may not use money appropriated for the purposes described in this Subsection (2) to supplant existing money used for psychiatry residents.

(3)

- (a) Subject to legislative appropriations, the university shall award a grant to produce a certification in child and adolescent behavioral health primary care for primary care physicians and medical professionals, school counselors, social workers, and other professionals who work with children and adolescents.
- (b) The university shall ensure that the amount of the grant awarded under Subsection (3)(a) is matched, at a minimum, by private gifts, grants, and bequests of personal property made to the grant.

Amended by Chapter 431, 2020 General Session

53B-17-903 Education in pain treatment.

The University of Utah School of Medicine shall ensure that any licensed physicians who oversee fellowship training to specialize in pain treatment are qualified medical providers, as that term is defined in Section 26B-4-201.

Amended by Chapter 328, 2023 General Session

**Part 10
Clinics and Programs**

53B-17-1001 Reading clinics -- Purpose.

- (1) The Legislature recognizes the critical importance of identifying, assessing, and assisting students with reading difficulties at an early age in order for them to have successful and productive school and life experiences.

- (2) In order to help accomplish this, there is established a reading clinic, hereafter referred to as the "clinic," based at the University of Utah, College of Education, to assist educators and parents of students statewide in:
 - (a) assessing elementary school students who do not demonstrate satisfactory progress in reading;
 - (b) providing instructional intervention to enable the students to overcome reading difficulties; and
 - (c) becoming better prepared to help all students become successful readers by providing them with professional development programs in reading that are based on best practices and the most current, scientific research available through nationally and internationally recognized reading researchers and instructional specialists.
- (3)
 - (a) The clinic shall focus primarily on students in grades 1 through 3 since research shows the need for students to become successful readers by the end of grade 3.
 - (b) The clinic shall make assessment and instructional intervention services available to public education students of all ages.
- (4) The clinic shall provide these services at a base site in Salt Lake County and through remote access interactive technology to reach educators, parents, and students throughout the state.
- (5) The clinic shall provide:
 - (a) instruction to teachers in the use of technology and blended learning in providing individualized reading instruction and reading remediation; and
 - (b) access to students for reading remediation and instruction services through distance learning technology if a student is unable to regularly access a reading clinic location.
- (6) The clinic shall integrate both the usage of and instruction on the use of technology-based reading assessment tools as part of the clinic's services.

Renumbered and Amended by Chapter 1, 2018 General Session

Part 11

USTAR Researchers

53B-17-1101 Definitions.

As used in this part:

- (1) "Researcher" means an individual who:
 - (a) on May 8, 2018, is employed, alone or as part of a research team, by the university;
 - (b) before May 8, 2018, received funding from USTAR for some or all of the researcher's startup costs or salary;
 - (c) was recruited to become a member of the university's faculty; and
 - (d) after May 8, 2018, receives some or all of the researcher's start up costs or salary from a legislative appropriation to the university for that purpose.
- (2) "University" means the University of Utah.
- (3) "USTAR" means the Utah Science Technology and Research Initiative, which was repealed in 2020.

Amended by Chapter 360, 2020 General Session

53B-17-1102 Researcher reporting requirements.

- (1) On or before September 1 each year, the university shall submit a written report to the governor, the Legislature, and the Business, Economic Development, and Labor Appropriations Subcommittee.
- (2) A report under Subsection (1) shall contain:
 - (a) the amount and sources of funding expended on a researcher's research program, including:
 - (i) university funds and other state funds;
 - (ii) legislative appropriations;
 - (iii) federal funds;
 - (iv) philanthropic or nonprofit funds; and
 - (v) industry funds;
 - (b) a copy of each:
 - (i) technology disclosure that a researcher files with the university;
 - (ii) license agreement that the university enters into with respect to a technology developed by a researcher, including any current, expired, or breached license; and
 - (iii) patent filed by the university based on technology developed by a researcher;
 - (c) publications in which a researcher participated, including a citation for each peer reviewed publication;
 - (d) the number of jobs maintained by a researcher's research program and average wages paid to those holding those jobs;
 - (e) expenses paid by legislative appropriations for each researcher, including:
 - (i) salary and benefits for a researcher or staff;
 - (ii) operational expenses;
 - (iii) capital equipment expenses; and
 - (iv) travel; and
 - (f) compensation, including salary and benefits, that a researcher received from a publicly funded source other than legislative appropriations under this part.

Enacted by Chapter 453, 2018 General Session

Part 12

SafeUT Crisis Line

53B-17-1201 Definitions.

As used in this part:

- (1) "Commission" means the SafeUT and School Safety Commission established in Section 53B-17-1203.
- (2) "University Neuropsychiatric Institute" means the mental health and substance abuse treatment institute within the University of Utah Hospitals and Clinics.

Renumbered and Amended by Chapter 446, 2019 General Session

53B-17-1202 SafeUT Crisis Line established.

The University Neuropsychiatric Institute shall:

- (1) establish a SafeUT Crisis Line to provide:
 - (a) a means for an individual to anonymously report:
 - (i) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;

- (ii) incidents of bullying, cyber-bullying, harassment, or hazing; and
- (iii) incidents of physical or sexual abuse committed by a school employee or school volunteer;
and
- (b) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;
- (2) provide the services described in Subsection (1) 24 hours a day, seven days a week; and
- (3) when necessary, or as required by law, promptly forward a report received under Subsection (1)(a) to appropriate:
 - (a) school officials; and
 - (b) law enforcement officials.

Renumbered and Amended by Chapter 446, 2019 General Session

53B-17-1203 SafeUT and School Safety Commission established -- Members.

- (1) There is created the SafeUT and School Safety Commission composed of the following members:
 - (a) one member who represents the Office of the Attorney General, appointed by the attorney general;
 - (b) one member who represents the Utah public education system, appointed by the State Board of Education;
 - (c) one member who represents the Utah system of higher education, appointed by the board;
 - (d) one member who represents the Department of Health and Human Services, appointed by the executive director of the Department of Health and Human Services;
 - (e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (f) one member of the Senate, appointed by the president of the Senate;
 - (g) one member who represents the University Neuropsychiatric Institute, appointed by the chair of the commission;
 - (h) one member who represents law enforcement who has extensive experience in emergency response, appointed by the chair of the commission;
 - (i) one member who represents the Department of Health and Human Services who has experience in youth services or treatment services, appointed by the executive director of the Department of Health and Human Services; and
 - (j) two members of the public, appointed by the chair of the commission.
- (2)
 - (a) Except as provided in Subsection (2)(b), members of the commission shall be appointed to four-year terms.
 - (b) The length of the terms of the members shall be staggered so that approximately half of the committee is appointed every two years.
 - (c) When a vacancy occurs in the membership of the commission, the replacement shall be appointed for the unexpired term.
- (3)
 - (a) The attorney general's designee shall serve as chair of the commission.
 - (b) The chair shall set the agenda for commission meetings.
- (4) Attendance of a simple majority of the members constitutes a quorum for the transaction of official commission business.
- (5) Formal action by the commission requires a majority vote of a quorum.
- (6)

- (a) Except as provided in Subsection (6)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (7) The Office of the Attorney General shall provide staff support to the commission.

Amended by Chapter 328, 2023 General Session

53B-17-1204 SafeUT and School Safety Commission duties -- LEA governing board duties -- Fees.

- (1) As used in this section:
- (a) "LEA governing board" means:
 - (i) for a school district, the local school board;
 - (ii) for a charter school, the charter school governing board; or
 - (iii) for the Utah Schools for the Deaf and the Blind, the State Board of Education.
 - (b) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
- (2) The commission shall coordinate:
- (a) statewide efforts related to the SafeUT Crisis Line; and
 - (b) with the State Board of Education and the board to promote awareness of the services available through the SafeUT Crisis Line.
- (3) An LEA governing board shall inform students, parents, and school personnel about the SafeUT Crisis Line.
- (4)
- (a) Except as provided in Subsection (4)(b), the University Neuropsychiatric Institute may charge a fee to an institution of higher education or other entity for the use of the SafeUT Crisis Line in accordance with the method described in Subsection (4)(c).
 - (b) The University Neuropsychiatric Institute may not charge a fee to the State Board of Education or a local education agency for the use of the SafeUT Crisis Line.
 - (c) The commission shall establish a standard method for charging a fee described in Subsection (4)(a).

Amended by Chapter 365, 2020 General Session

Part 13
Behavioral Health Services

53B-17-1301 Definitions.

As used in this part, "Huntsman Mental Health Institute" means the mental health and substance use treatment institute within the University of Utah.

Enacted by Chapter 445, 2022 General Session

53B-17-1302 Huntsman Mental Health Institute -- Behavioral health curriculum.

- (1) The Huntsman Mental Health Institute shall coordinate with the State Board of Education to develop a youth curriculum to increase awareness about behavioral health challenges facing youth in the state.
- (2) The curriculum described in Subsection (1) shall include age-appropriate information on:
 - (a) the connection and importance of mental health to overall health;
 - (b) tools for maintaining mental health wellness, including evidence-based practices used to overcome behavioral health challenges;
 - (c) signs and symptoms of common behavioral health challenges and ways to respond to the signs and symptoms;
 - (d) the prevalence of behavioral health challenges across all populations;
 - (e) common behavioral health conditions and evidence-based treatments for common behavioral health conditions; and
 - (f) how to seek assistance or find support for a behavioral health challenge in a school and the community.
- (3) The Huntsman Mental Health Institute shall annually:
 - (a) update the curriculum in coordination with the State Board of Education;
 - (b) publish the curriculum on the Huntsman Mental Health Institute's website in a conspicuous location; and
 - (c) distribute the curriculum as a resource to:
 - (i) parents and guardians of elementary and secondary school students;
 - (ii) elementary and secondary schools; and
 - (iii) other organizations that serve youth in the state.
- (4) The Huntsman Mental Health Institute shall consider feedback provided to the Huntsman Mental Health Institute about the curriculum when annually updating the curriculum under Subsection (3)(a).

Enacted by Chapter 445, 2022 General Session

Part 14

Center for Medical Cannabis Research

53B-17-1401 Definitions.

As used in this part:

- (1) "Academic research cannabis license" means the license described in Title 4, Chapter 41a, Part 9, Academic Medical Cannabis Research.
- (2) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- (3) "Cannabis cultivation facility" means the same as that term is defined in Section 4-41a-102.
- (4) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- (5) "Center" means the Center for the Medical Cannabis Research created in Section 53B-17-1402.
- (6) "Eligible institution" means an institution of higher education that:
 - (a) is located in Utah; and
 - (b) has or will obtain an academic research cannabis license.
- (7) "Medical cannabis patient card" means the same as that term is defined in Section 26B-4-201.

Enacted by Chapter 281, 2023 General Session

53B-17-1402 Center creation -- Duties.

- (1) There is created the Center for Medical Cannabis Research within the University of Utah.
- (2) The center:
 - (a) shall seek state, federal, and private funds to award grants for medical cannabis research;
 - (b) shall facilitate and support funding for research related to the health effects, including the potential risks or side effects, of the use of cannabis products;
 - (c) shall facilitate and support funding for research related to the efficacy and potential health effects of various cannabis delivery methods, including vaporizing, ingesting, topical application, and combustion;
 - (d) shall support researchers in applying for and securing federal and private research grant funding for expanding medical cannabis research;
 - (e) shall review current and future cannabis research literature, clinical studies, and clinical trials;
 - (f) shall educate medical providers, lawmakers, and the public about medical cannabis research advances;
 - (g) shall, if requested, consult with researchers and eligible institutions seeking to conduct medical cannabis research regarding legal implications of the research under state and federal law;
 - (h) shall monitor, to the extent that appropriate and sufficient data are available, patient outcomes in any state with a medicinal cannabis program;
 - (i) may coordinate, share knowledge, and share best practices with a state:
 - (i) that has a medical cannabis program; and
 - (ii) is conducting cannabis research;
 - (j) may award or facilitate funding for grants to an eligible institution for medical cannabis research, including research regarding the growing of a medical-grade cannabis plant that is used for a cannabis product;
 - (k) shall support a licensed cannabis cultivation facility to provide medical-grade cannabis products for research;
 - (l) shall make, for research conducted by the center, the research outcomes publicly available;
 - (m) shall maintain a catalog of all published scientific reports based on projects funded or managed by the center;
 - (n) shall ensure that an individual who agrees to use a cannabis product as part of a research project conducted by the center or a grantee has:
 - (i) a valid medical cannabis patient card from the state; or
 - (ii) if included in the research project as a resident of another state, the equivalent of a medical cannabis patient card under the laws of another state, district, territory, commonwealth, or insular possession of the United States;
 - (o) shall obtain an academic research cannabis license;
 - (p) may apply for, or assist an eligible institution to apply for, a federal cannabis cultivation registration to locate a cannabis cultivation site in Utah; and
 - (q) for the report described in Section 26B-4-222, shall provide information to the Department of Health and Human Services describing:
 - (i) all research projects that are funded by a grant awarded by the center, including which institution received the grant;
 - (ii) all research projects conducted by the center; and
 - (iii) the adequacy of funding for the center's duties.
- (3) For research funded, conducted, or facilitated by the center, the center shall ensure the research:

- (a) includes appropriate research development, testing, and evaluation; and
 - (b) if the research involves human subjects, is reviewed, approved, and overseen by an institutional review board as defined in Section 26-61-102.
- (4) The University of Utah shall provide staff for the center.

Enacted by Chapter 281, 2023 General Session