Title 58. Occupations and Professions

Chapter 1
Division of Professional Licensing Act

Part 1
Division Administration

58-1-102 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) "Department" means the Department of Commerce.

(5) "Director" means the director of the Division of Professional Licensing.

(6) "Division" means the Division of Professional Licensing created in Section 58-1-103.

(7) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

(8) "Executive director" means the executive director of the Department of Commerce.

(9) "License" includes any license, certificate, registration, or permit authorized in accordance with this title.

(10) "Licensee" includes any holder of a license, certificate, registration, permit, student card, or apprentice card authorized in accordance with this title.

(11)
(a)
(i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
(ii) Notwithstanding Subsection (11)(a)(i), nonablative procedure includes hair removal and cryolipolysis.
(b) "Nonablative procedure" does not include:
(i) a superficial procedure;
(ii) the application of permanent make-up;
(iii) laser tattoo removal; or
(iv) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within their scope of practice.

(12) "Pain clinic" means:
(a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
(b) a clinic in which greater than 50% of the clinic's annual patient population receive treatment primarily for non-terminal chronic pain using Schedule II-III controlled substances.

(13) "Superficial procedure" means a procedure that is expected or intended to temporarily alter living skin tissue and may excise or remove stratum corneum but have no appreciable risk of damage to any tissue below the stratum corneum.
(14) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.
(15) "Unlawful conduct" means the same as that term is defined in Subsection 58-1-501(1).
(16) "Unprofessional conduct" means the same as that term is defined in Subsection 58-1-501(2).

Amended by Chapter 64, 2026 General Session

58-1-103 Division created to administer licensing laws.

There is created within the Department of Commerce the Division of Professional Licensing. The division shall administer and enforce all licensing laws of Title 58, Occupations and Professions.

Amended by Chapter 415, 2022 General Session

58-1-104 Director of division -- Appointment -- Duties.

(1) The division shall be under the supervision, direction, and control of a director. The director shall be appointed by the executive director with the approval of the governor. The director shall hold office at the pleasure of the governor.
(2) The director shall perform all duties, functions, and responsibilities assigned to the division by law or rule and, where provided, with the collaboration and assistance of the boards established under this title.

Renumbered and Amended by Chapter 297, 1993 General Session

58-1-105 Employment of staff.

The director, with the approval of the executive director, may employ necessary staff, including specialists and professionals, to assist the director in performing the duties, functions, and responsibilities of the division.

Amended by Chapter 302, 2025 General Session

58-1-106 Division -- Duties, functions, and responsibilities.

(1) The duties, functions, and responsibilities of the division include the following:
(a) prescribing, adopting, and enforcing rules to administer this title;
(b) investigating the activities of any person whose occupation or profession is regulated or governed by the laws and rules administered and enforced by the division;
(c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum the production of any books, papers, documents, records, contracts, recordings, tapes, correspondence, or information relevant to an investigation upon a finding of sufficient need by the director or by the director's designee;
(d) taking administrative and judicial action against persons in violation of the laws and rules administered and enforced by the division, including the issuance of cease and desist orders;
(e) seeking injunctions and temporary restraining orders to restrain unauthorized activity;
(f) complying with Title 52, Chapter 4, Open and Public Meetings Act;
(g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or otherwise acting upon any license;

(h) preparing and submitting to the governor and the Legislature an annual report of the division's operations, activities, and goals;
(i) preparing and submitting to the executive director a budget of the expenses for the division;
(j) establishing the time and place for the administration of examinations;
(k) preparing lists of licensees and making these lists available to the public at cost upon request unless otherwise prohibited by state or federal law; and
(l) considering interstate portability and the preservation of licensing pathways that are specific to Utah when making recommendations regarding membership in interstate licensing compacts.
(2) The division may not include home telephone numbers or home addresses of licensees on the lists prepared under Subsection (1)(k), except as otherwise provided by rules of the division made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3)
(a) The division may provide the home address or home telephone number of a licensee on a list prepared under Subsection (1) upon the request of an individual who provides proper identification and the reason for the request, in writing, to the division.
(b) A request under Subsection (3)(a) is limited to providing information on only one licensee per request.
(c) The division shall provide, by rule, what constitutes proper identification under Subsection (3)(a).
(4)
(a) Notwithstanding any contrary provisions in Title 63G, Chapter 2, Government Records Access and Management Act, the division may share licensee information with:
(i) the division's contracted agents when sharing the information in compliance with state or federal law; and
(ii) a person who is evaluating the progress or monitoring the compliance of an individual who has been disciplined by the division under this title.
(b) The division may make rules to implement the provisions of this Subsection (4).
(5) All rules made by the division under this title shall be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 420, 2024 General Session

58-1-107 Applicability -- Relationship to specific chapters under title.

The provisions of this chapter uniformly apply to the administration and enforcement of this title. However, unless expressly prohibited in this chapter, any provision of this chapter may be supplemented or altered by specific chapters of this title.

Enacted by Chapter 297, 1993 General Session

58-1-108 Adjudicative proceedings.

(1) The division and boards created in accordance with this title, including the members of a board designated under Subsection 58-1-109(3), shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all of their adjudicative proceedings as defined by Subsection 63G-4-103(1).
(2) Before proceeding under Section 63G-4-502, the division shall review the proposed action with a committee of at least three licensees appointed by the chairperson of the licensing board created under this title for the profession of the person against whom the action is proposed.

(3) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, a warning or final disposition letter that does not constitute disciplinary action against the addressee, issued in response to a complaint of unprofessional or unlawful conduct under this title, does not constitute an adjudicative proceeding.

Amended by Chapter 64, 2026 General Session

58-1-109 Presiding officers -- Content of orders -- Recommended orders -- Final orders -- Appeal of orders.

(1)
(a) Unless otherwise specified by statute or rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the presiding officer for adjudicative proceedings before the division is the director.
(b) Under Title 63G, Chapter 4, Administrative Procedures Act, the director may designate in writing an individual or body of individuals to act as presiding officer to conduct or assist the director in conducting any part or all of an adjudicative proceeding.

(2) Unless otherwise specified by the director, an administrative law judge shall be designated as the presiding officer to conduct formal adjudicative proceedings in accordance with Subsection 63G-4-102(4), Sections 63G-4-204 through 63G-4-207, and 63G-4-209.

(3)
(a) Unless otherwise specified by the director, the licensing board of the profession that is the subject of the proceedings shall be designated as the presiding officer to serve as fact finder at the evidentiary hearing in a formal adjudicative proceeding.
(b)
(i) If the licensing board is composed of seven or more members, the director may designate any odd number of board members to represent the licensing board as the presiding officer under Subsection (3)(a).
(ii) Notwithstanding Subsection 58-1-201(3), the vote of the majority of the board members designated under Subsection (3)(b)(i) is sufficient authority for the licensing board to act as the presiding officer.

(4)
(a) At the close of an evidentiary hearing in an adjudicative proceeding, unless otherwise specified by the director, the presiding officer who served as the fact finder at the hearing shall issue a recommended order based on the record developed at the hearing determining all issues pending before the division.
(b) If the director designates certain licensing board members under Subsection (3)(b) to represent the licensing board described in Subsection (3)(a), the person who is aggrieved by the designated board members' recommended order may petition the licensing board to review the designated board members' recommended order.
(c) The licensing board shall issue a recommended order based on the review under Subsection (4)(b) that shall become the recommended order of the presiding officer.

(5)
(a)
(i) The director shall issue a final order affirming the recommended order or modifying or rejecting all or any part of the recommended order and entering new findings of fact, conclusions of law, statement of reasons, and order based on the director's personal attendance at the hearing or a review of the record developed at the hearing.

(ii) Before modifying or rejecting a recommended order, the director shall consult with the presiding officer who issued the recommended order.

(b)

(i) If the director issues a final order modifying or rejecting a recommended order, the licensing board of the profession that is the subject of the proceeding may, by a two-thirds majority vote of all board members, petition the executive director or designee within the department to review the director's final order.

(ii) The executive director's decision shall become the final order of the division.

(c) This Subsection (5) does not limit the right of the parties to appeal the director's final order by filing a request for agency review under Subsection (8).

(6) If the director is unable for any reason to rule on a recommended order of a presiding officer, the director may designate another person within the division to issue a final order.

(7) If the director or the director's designee does not initiate additional fact finding or issue a final order within 20 calendar days after the day on which the recommended order of the presiding officer is issued, the recommended order becomes the final order of the director or the director's designee.

(8) The final order of the director may be appealed by filing a request for agency review with the executive director or the executive director's designee within the department.

(9) The content of all orders shall comply with the requirements of Subsection 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.

Amended by Chapter 223, 2023 General Session

58-1-111 Tax credit certificate -- Psychiatrists and psychiatric mental health nurse practitioners -- Underserved populations.

(1) As used in this section:

(a) "Average of 30 hours or more per week" means that the quotient calculated when dividing the claimant's total hours providing licensed services in the state during the taxable year by the number of weeks in which the claimant is licensed in the state during the taxable year is greater than or equal to 30.

(b) "Licensed services" means the provision of behavioral health treatment in the state and within the scope of practice of a psychiatrist, a psychiatric mental health nurse practitioner, or a volunteer health practitioner.

(c) "Psychiatric mental health nurse practitioner" means an individual who:

(i) is licensed under Chapter 31b, Nurse Practice Act, for the practice of advanced practice registered nursing as that term is defined in Section 58-31b-102; and

(ii) holds a certification recognized by the American Nurses Credentialing Center of the American Association of Colleges of Nursing as a psychiatric mental health nurse practitioner.

(d) "Psychiatrist" means an individual who:

(i) is licensed as a physician under:

(A) Chapter 67, Utah Medical Practice Act;

(B) Chapter 67b, Interstate Medical Licensure Compact; or

(C) Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists.

(e) "Underserved population" means:

(i) an individual located in a county of the third, fourth, fifth, or sixth class, as designated in Section 17-60-104; or

(ii) a Native American Indian.

(f) "Volunteer retired psychiatrist" means an individual:

(i) described in Subsection (1)(d) who, during the calendar year, did not receive payment for providing licensed services; or

(ii)

(A) licensed under Chapter 81, Retired Volunteer Health Care Practitioner Act; and

(B) previously or currently board certified in psychiatry.

(2)

(a) An individual who seeks to obtain a state income tax credit under Subsections 59-10-1111(2) through (4) shall file an application with the division with respect to each taxable year in which the individual seeks a state income tax credit.

(b) An individual may qualify for a tax credit certificate under this section for no more than 10 taxable years for each tax credit.

(3) The application for a tax credit certificate under Subsection 59-10-1111(2) shall require the individual to provide the following to the division:

(a) the date on which the individual obtained a license and the specialization described in Subsection (1)(c)(ii) or (d)(ii);

(b)

(i) an attestation that the individual was licensed on or after January 1, 2017, to provide licensed services; or

(ii) if the individual was licensed to provide licensed services prior to January 1, 2017, an attestation:

(A) that the individual did not provide licensed services for the two calendar years before the date the individual initially applied for the income tax credit under this subsection; and

(B) the date on which the individual resumed providing licensed services in the state; and

(c) other information as required by the division by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) An application for a tax credit certificate under Subsection 59-10-1111(3) shall require the individual to attest to the division:

(a) that the individual averaged 30 or more hours per week during the taxable year providing licensed services;

(b) that the individual devoted 25% or more of the individual's total hours of licensed services in the taxable year to an underserved population;

(c) the type of underserved population for which the individual provided services during the taxable year; and

(d) other information as required by the division by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) An application for a tax credit certificate under Subsection 59-10-1111(4) shall require the individual to attest to the division:

(a) whether the individual is licensed under Subsection (1)(f)(i) or (ii);

(b) that the individual did not receive payment during the calendar year for providing licensed services;

(c) that during the calendar year, the individual provided at least 300 hours of licensed services to an underserved population, the homeless population, or veterans without receiving payment for providing the licensed services;

(d) a description of the type of population described in Subsection (5)(c) for which the individual provided licensed services; and
(e) other information as required by the division by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(6)
(a) The division shall issue a tax credit certificate in accordance with this subsection.
(b) The tax credit certificate may state that an individual is entitled to:
(i) a tax credit under Subsection 59-10-1111(2) if the individual meets the requirements of Subsection (3);
(ii) a tax credit under Subsection 59-10-1111(3) if the individual meets the requirements of Subsection (4);
(iii) a tax credit under Subsection 59-10-1111(4) if the individual meets the requirements of Subsection (5); or
(iv) a tax credit under Subsections 59-10-1111(2) and (3) if the individual meets the requirements of Subsections (3) and (4).
(7)
(a) The division may issue a tax credit certificate to an individual under Subsection 59-10-1111(2) for no more than 10 taxable years after the date on which the individual resumed services under Subsection (3)(b)(ii).
(b) The division may issue a tax credit certificate to an individual under Subsections 59-10-1111(3) and (4) for no more than 10 taxable years.
(8) The division shall provide a copy of a tax credit certificate issued under this section to the individual and the State Tax Commission.

Amended by Chapter 17, 2025 Special Session 1

58-1-112 Data collection.
(1) As used in this section:
(a) "Council" means the Utah Health Workforce Advisory Council created in Section 26B-1-425.
(b) "Information center" means the Utah Health Workforce Information Center created in Section 26B-4-705.
(2)
(a) In accordance with Subsection 26B-4-705(3)(a), the department shall work with the information center to identify relevant data pertaining to a profession described in Subsection (3).
(b) The data should focus on:
(i) identifying workforce shortages;
(ii) identifying labor market indicators;
(iii) determining the educational background of a licensee; and
(iv) determining whether Utah is retaining a stable health workforce.
(c) After the council approves data to be collected, the department shall request the data from a licensee when a licensee applies for a license or renews the licensee's license.
(d) The department shall send the obtained data to the information center.
(e) A licensee may not be denied a license for failing to provide the data described in Subsection (2)(c) to the department.
(3)
(a) The department shall prioritize data collection for each profession licensed under:
(i) Chapter 31b, Nurse Practice Act;

(ii) Chapter 60, Mental Health Professional Practice Act;
(iii) Chapter 61, Psychologist Licensing Act;
(iv) Chapter 67, Utah Medical Practice Act;
(v) Chapter 68, Utah Osteopathic Medical Practice Act;
(vi) Chapter 69, Dentist and Dental Hygienist Practice Act; or
(vii) Chapter 70a, Utah Physician Assistant Act.
(b) After the department has collected data for each profession described in Subsection (3)(a), the department shall collect data for each profession licensed under:
(i) Chapter 5a, Podiatric Physician Licensing Act;
(ii) Chapter 17b, Pharmacy Practice Act;
(iii) Chapter 24b, Physical Therapy Practice Act;
(iv) Chapter 40, Recreational Therapy Practice Act;
(v) Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
(vi) Chapter 42a, Occupational Therapy Practice Act;
(vii) Chapter 44a, Nurse Midwife Practice Act;
(viii) Chapter 54, Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act; or
(ix) Chapter 57, Respiratory Care Practices Act.
(c) The department shall collect data in accordance with this section for any health-related occupation or profession that is regulated by the department and is not described in Subsection (3)(a) or (b) if:
(i) funding is available;
(ii) the council has identified a need for the data; and
(iii) data has been collected for each profession described in Subsections (3)(a) and (3)(b).

Amended by Chapter 328, 2023 General Session

58-1-113 Statewide behavioral health provider database study.
(1) As used in this section:
(a) "Accountable care organization" means a managed care organization, as defined in 42 C.F.R. Sec. 438, that contracts with the Department of Health and Human Services under the provisions of Section 26B-3-202.
(b) "Behavioral health provider" means a mental health provider that provides behavioral health services.
(c) "Behavioral health services" means:
(i) mental health treatment or services; or
(ii) substance use treatment or services.
(d) "Commissioner" means Utah's insurance commissioner.
(e) "Database" means the statewide behavioral health provider database described in Subsection (2).
(f) "Department of Health and Human Services" means the Department of Health and Human Services created in Section 26B-1-201.
(g) "Division of Integrated Healthcare" means the Division of Integrated Healthcare created in Section 26B-1-204.
(h) "Insurer" means:
(i) an insurer as that term is defined in Section 31A-22-634;
(ii) an accountable care organization;
(iii) a behavioral health plan as that term is defined in Section 26B-3-203; or

(iv) for an adult who is covered through the traditional fee-for-service Medicaid model in counties without Medicaid accountable care organizations or the state's Medicaid accountable care organization delivery system, the Division of Integrated Healthcare.

(i) "Mental health provider" means the same as that term is defined in Section 31A-22-658.

(j) "PEHP" means the Public Employees' Benefit and Insurance Program created in Section 49-20-103.

(k) "Provider directory" means a provider directory created in accordance with Section 31A-22-664.

(l) "Telehealth services" means the same as that term is defined in Section 26B-4-704.

(m) "Telemedicine services" means the same as that term is defined in Section 26B-4-704.

(2) On or before June 30, 2026, the division shall convene a working group to study and develop recommendations regarding the feasibility and cost of creating and maintaining a database of behavioral health providers in the state, including:

(a) an analysis of the requirements for a statewide behavioral health provider database that:

(i) is accessible to the public;

(ii) allows a person accessing the database to search behavioral health providers by:

(A) license status;

(B) areas of specialty the behavioral health provider provides, including treatment of specific mental health diagnoses and disorders;

(C) insurers with which the behavioral health provider is under contract; and

(D) whether the behavioral health provider offers any or all of the following:

(I) in-person services;

(II) telehealth services; or

(III) telemedicine services;

(iii) indicates what methods of payment a behavioral health provider accepts, including whether the behavioral health provider accepts cash only;

(iv) indicates a behavioral health provider's availability for scheduling an appointment;

(v) for each insurer, codes by color or other method whether each behavioral health provider in the insurer's network:

(A) is accepting new patients;

(B) requires a prospective new patient to call for availability; or

(C) is not accepting new patients;

(vi) allows an insurer to access the database and update information about behavioral health providers in the insurer's network;

(vii) allows a behavioral health provider to access the database and update and verify the behavioral health provider's information;

(viii) allows the division to communicate with a behavioral health provider in the database to prompt the behavioral health provider to review and verify information in the database;

(ix) allows the division to import information from an insurer's provider directory into the database; and

(x) allows an insurer to import information about behavioral health providers in the insurer's network into the insurer's provider directory; and

(b) a determination of whether existing software or technology that PEHP owns or controls meets, or could be modified to meet, the requirements for the features described in Subsection (2)(a).

(3) The division shall coordinate with the Department of Health and Human Services, PEHP, the Insurance Department, and accountable care organizations to determine the membership of the working group described in Subsection (2).

(4) The division shall present to the Health and Human Services Interim Committee, on or before the date of the committee's November 2026 meeting, on the recommendations described in Subsection (2).

Enacted by Chapter 50, 2026 General Session

Part 2
Boards

58-1-201 Boards -- Appointment -- Membership -- Terms -- Vacancies -- Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in professional school that teaches continuing education prohibited.

(1)
(a)
(i) The executive director shall appoint the members of the boards established under this title.
(ii) In appointing the board members the executive director shall give consideration to recommendations by members of the respective professions and the professions' organizations.
(b) Each board shall be composed of five members, four of whom are licensed or certified practitioners in good standing of the profession the board represents, and one of whom is a member of the general public, unless otherwise provided under the specific licensing chapter.
(c)
(i) The name of each individual appointed to a board shall be submitted to the governor for confirmation or rejection.
(ii) If an appointee is rejected by the governor, the executive director shall appoint another individual in the same manner as set forth in Subsection (1)(a).

(2)
(a)
(i) Except as required by Subsection (2)(b), as terms of current board members expire, the executive director shall appoint each new board member or reappointed board member to a four-year term.
(ii) Upon the expiration of the term of a board member, the board member shall continue to serve until a successor is appointed, but for a period not to exceed six months from the expiration date of the board member's term.
(b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
(c) A board member may not serve more than two consecutive terms, and a board member who ceases to serve on a board may not serve again on that board until after the expiration of a two-year period beginning from that cessation of service.
(d)
(i) When a vacancy occurs in the board membership for any reason, the replacement shall be appointed for the unexpired term.
(ii) After filling that term, the replacement board member may be appointed for only one additional full term.

(e) The director, with the approval of the executive director, may remove a board member and replace the board member in accordance with this section for the following reasons:
(i) the board member fails or refuses to fulfill the responsibilities and duties of a board member, including attendance at board meetings;
(ii) the board member engages in unlawful or unprofessional conduct; or
(iii) if appointed to the board position as a licensed member of the board, the board member fails to maintain a license that is active and in good standing.
(3)
(a) A majority of the board members constitutes a quorum.
(b) Except as provided in Subsection 58-1-109(3), a quorum is sufficient authority for the board to act.
(4) A board member 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 under Sections 63A-3-106 and 63A-3-107.
(5) Each board shall annually designate one of the board's members to serve as chair for a one-year period.
(6) A board member may not be a member of the faculty of, or have a financial interest in, a vocational or professional college or school that provides continuing education to any licensee if that continuing education is required by statute or rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 420, 2024 General Session

58-1-202 Boards -- Duties, functions, and responsibilities.
(1) Except as provided in Subsection (2), the duties, functions, and responsibilities of each board established under this title include the following:
(a) recommending to the director appropriate rules and statutory changes to improve the health, safety, and financial welfare of the public, including changes to remove regulations that are no longer necessary or effective in protecting the public and enhancing commerce;
(b) recommending to the director policy and budgetary matters;
(c) approving and establishing a passing score for applicant examinations;
(d) screening applicants and recommending licensing, renewal, reinstatement, and relicensure actions to the director in writing;
(e) assisting the director in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the profession the board represents; and
(f) in accordance with Section 58-1-109, acting as presiding officer in conducting hearings associated with adjudicative proceedings and in issuing recommended orders when so designated by the director.
(2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah Construction Trades Licensing Act.
(3)
(a) Each board or commission established under this title may recommend to the appropriate legislative committee whether the board or commission supports a change to a licensing act.
(b) This Subsection (3) does not:
(i) require a board's approval to amend a practice act; or
(ii) apply to technical or clarifying amendments to a practice act.

Amended by Chapter 223, 2023 General Session

58-1-203 Duties, functions, and responsibilities of division in collaboration with board -- Construction Services Commission.

(1) The division shall perform the following duties, functions, and responsibilities with the collaboration and assistance of the appropriate board:
  (a) defining which schools, colleges, universities, departments of universities, military educational and training programs, or other institutions of learning are reputable and in good standing with the division;
  (b) prescribing license qualifications;
  (c) prescribing rules governing applications for licenses;
  (d) providing for a fair and impartial method of examination of applicants;
  (e) defining unprofessional conduct, by rule, to supplement the definitions under this chapter or other licensing chapters;
  (f) establishing advisory peer committees to the board and prescribing their scope of authority; and
  (g) establishing conditions for reinstatement and renewal of licenses.
(2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the division outlined in Subsection (1) shall, instead, be performed by the Construction Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades Licensing Act.
(3) If no appropriate board is available to advise the division, the division may create temporary working groups with members of the relevant occupation and the public to assist the division in executing the duties, functions, and responsibilities described in Subsection (1).

Amended by Chapter 140, 2026 General Session

Part 3
Licensing

58-1-301 License application -- Licensing procedure.

(1)
  (a) Each license applicant shall apply to the division in writing upon forms available from the division.
  (b) Each completed application shall:
    (i) contain documentation of the particular qualifications required of the applicant under this title or rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
    (ii) include the applicant's:
      (A) full legal name; and
      (B) social security number, or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
    (iii) be verified by the applicant; and
    (iv) be accompanied by the appropriate fees.
  (c) An applicant's social security number is a private record under Subsection 63G-2-302(1)(i).

(d) The division may designate an applicant's evidence of identity under Subsection (1)(b)(ii)(B) as a private record in accordance with Section 63G-2-302.

(2)

(a) The division shall issue a license to an applicant who submits a complete application if the division determines that the applicant meets the qualifications of licensure.

(b) The division shall provide a written notice of additional proceedings to an applicant who submits a complete application, but who has been, is, or will be placed under investigation by the division for conduct directly bearing upon the applicant's qualifications for licensure, if the outcome of additional proceedings is required to determine the division's response to the application.

(c) The division shall provide a written notice of denial of licensure to an applicant who submits a complete application if the division determines that the applicant does not meet the qualifications of licensure.

(d) The division shall provide a written notice of incomplete application and conditional denial of licensure to an applicant who submits an incomplete application, which notice shall advise the applicant that the application is incomplete and that the application is denied, unless the applicant corrects the deficiencies within the time period specified in the notice and otherwise meets all qualifications for licensure.

(3) The division may only issue a license to an applicant under this title if the applicant meets the requirements for that license as established under this title and by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) If an applicant meets all requirements for a specific license, the division shall issue the license to the applicant.

(5)

(a) As used in this Subsection (5):

(i)

(A) "Competency-based licensing requirement" means a practical assessment of knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation or profession regulated by this title, and which the director determines is at least as effective as a time-based licensing requirement at demonstrating proficiency and protecting the health and safety of the public.

(B) "Competency-based licensing requirement" may include any combination of training, experience, testing, or observation.

(ii)

(A) "Time-based licensing requirement" means a specific number of hours, weeks, months, or years of education, training, supervised training, or other experience that an applicant for licensure under this title is required to complete before receiving a license under this title.

(B) "Time-based licensing requirement" does not include an associate degree, a bachelor's degree, or a graduate degree from an accredited institution of higher education.

(b) Subject to Subsection (5)(c), for an occupation or profession regulated by this title that has a time-based licensing requirement, the director, after consultation with the appropriate board, may by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, allow an applicant to complete a competency-based licensing requirement as an alternative to completing the time-based licensing requirement.

(c) If a time-based licensing requirement involves a program that must be approved or accredited by a specific entity or board, the director may only allow an applicant to complete a competency-based licensing requirement as an alternative to completing the time-based licensing requirement under Subsection (5)(b) if the competency-based requirement is

approved or accredited by the specific entity or board as a replacement or alternative to the time-based licensing requirement.

Amended by Chapter 223, 2023 General Session

58-1-301.3 Waiver of licensing fees.

An individual applying for initial licensure or licensure renewal under this title may apply for initial licensure or licensure renewal without paying the fees described in Subsection 58-1-301(1) if the applicant provides evidence to the division in a form prescribed by the division that at the time of the application the applicant is:

(1) on full-time active service with a branch of the armed forces of the United States, including an applicant who is on full-time active duty orders with the National Guard or reserve component of the armed forces; or

(2) receiving public assistance through one of the following programs administered by the Department of Workforce Services:

(a) the Family Employment Program described in Section 35A-3-302; or

(b) General Assistance described in Section 35A-3-401.

Amended by Chapter 339, 2020 General Session

Superseded 1/1/2027

58-1-301.5 Division access to Bureau of Criminal Identification records -- Criminal background check requirement.

(1) As used in this section, "applicant" means an individual applying for licensure or certification, or with respect to a license or certification, applying for renewal, reinstatement, or relicensure or recertification, as required in:

(a) Section 58-5a-302;

(b) Section 58-16a-302;

(c) Section 58-17b-303;

(d) Section 58-17b-304;

(e) Section 58-17b-305;

(f) Section 58-17b-306;

(g) Section 58-24b-302;

(h) Section 58-31b-302;

(i) Section 58-42a-302;

(j) Section 58-44a-302;

(k) Section 58-47b-302;

(l) Section 58-47b-302.2;

(m) Section 58-49-4;

(n) Section 58-55-302;

(o) Section 58-60-205;

(p) Section 58-60-305;

(q) Section 58-60-405;

(r) Section 58-60-506;

(s) Section 58-61-304;

(t) Section 58-63-302;

(u) Section 58-64-302;

(v) Section 58-67-302;

(w) Section 58-68-302;
(x) Section 58-69-302;
(y) Section 58-70a-302;
(z) Section 58-70b-302;
(aa) Section 58-71-302;
(bb) Section 58-73-302;
(cc) Section 58-89-104;
(dd) Section 58-91-103;
(ee) Section 58-92-302; or
(ff) Section 58-93-302.

(2) The division shall have direct access to local files the Bureau of Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of an applicant.

(3) The division's access to criminal background information under this section:
(a) shall meet the requirements of Section 53-10-108; and
(b) includes:
(i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition; and
(ii) criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

(4) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.

(5) To fulfill an applicable criminal background check requirement, an applicant shall:
(a) submit fingerprints in a form acceptable to the division at the time the applicant files a license application or a registration; and
(b) consent to a fingerprint background check the Bureau of Criminal Identification and the Federal Bureau of Investigation conduct regarding the application.

(6)
(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:
(i) collect from each applicant submitting fingerprints in accordance with this section:
(A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108; and
(B) the fee the Federal Bureau of Investigation charges for fingerprint processing for the purpose of obtaining federal criminal history record information;
(ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the Bureau of Criminal Identification; and
(iii) obtain and retain in division records a signed waiver the Bureau of Criminal Identification approves in accordance with Section 53-10-108 for each applicant.
(b) The fees described in Subsection (6)(a)(i) are in addition to other fees this chapter authorizes.

(7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification shall:
(a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional criminal records databases;
(b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and

(c) provide the results from the state, regional, and nationwide criminal history background checks to the division.

(8)

(a)

(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required under this section demonstrates, after the applicant is licensed or registered, that the applicant failed to accurately disclose a criminal history, the division may provide notice to the applicant that the license or registration is immediately and automatically revoked.

(ii) If a massage establishment owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime the division determines by rule the division makes in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an application for registration of a massage establishment.

(b)

(i) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.

(ii) A registered massage establishment for which the registration has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.

(c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 44, 2026 General Session

Effective 1/1/2027

58-1-301.5 Division access to Bureau of Criminal Identification records -- Criminal background check requirement.

(1) As used in this section, "applicant" means an individual applying for licensure or certification, for renewal, reinstatement, or relicensure or recertification, as required in:

(a) Section 58-5a-302;

(b) Section 58-16a-302;

(c) Section 58-17b-303;

(d) Section 58-17b-304;

(e) Section 58-17b-305;

(f) Section 58-17b-306;

(g) Section 58-24b-302;

(h) Section 58-31b-302;

(i) Section 58-42a-302;

(j) Section 58-44a-302;

(k) Section 58-47b-302;

(l) Section 58-47b-302.2;

(m) Section 58-49-4;

(n) Section 58-55-203;

(o) Section 58-60-205;

(p) Section 58-60-305;

(q) Section 58-60-405;

(r) Section 58-60-506;

(s) Section 58-61-304;

(t) Section 58-63-302;
(u) Section 58-64-302;
(v) Section 58-67-302;
(w) Section 58-68-302;
(x) Section 58-69-302;
(y) Section 58-70a-302;
(z) Section 58-70b-302;
(aa) Section 58-71-302;
(bb) Section 58-73-302;
(cc) Section 58-89-104;
(dd) Section 58-91-103;
(ee) Section 58-92-302;
(ff) Section 58-93-302; or
(gg) Section 58-94-304.

(2) The division shall have direct access to local files the Bureau of Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of an applicant.

(3) The division's access to criminal background information under this section:
(a) shall meet the requirements of Section 53-10-108; and
(b) includes:
(i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition; and
(ii) criminal background information the Bureau of Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

(4) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.

(5) To fulfill an applicable criminal background check requirement, an applicant shall:
(a) submit fingerprints in a form acceptable to the division at the time the applicant files a license application or a registration; and
(b) consent to a fingerprint background check the Bureau of Criminal Identification and the Federal Bureau of Investigation conduct regarding the application.

(6)
(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:
(i) collect from each applicant submitting fingerprints in accordance with this section:
(A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108; and
(B) the fee the Federal Bureau of Investigation charges for fingerprint processing for the purpose of obtaining federal criminal history record information;
(ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the Bureau of Criminal Identification; and
(iii) obtain and retain in division records a signed waiver the Bureau of Criminal Identification approves in accordance with Section 53-10-108 for each applicant.
(b) The fees described in Subsection (6)(a)(i) are in addition to other fees this chapter authorizes.

(7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification shall:

(a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional criminal records databases;
(b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
(c) provide the results from the state, regional, and nationwide criminal history background checks to the division.

(8)
(a)
(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required under this section demonstrates, after the applicant is licensed or registered, that the applicant failed to accurately disclose a criminal history, the division may provide notice to the applicant that the license or registration is immediately and automatically revoked.
(ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if a massage establishment owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime the division determines by rule the division makes in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an application for registration of a massage establishment.
(b)
(i) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
(ii) A registered massage establishment for which the registration has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
(c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 42, 2026 General Session

58-1-301.7 Change of information.

(1)
(a) An applicant, licensee, or certificate holder shall notify the division within 10 business days of a change in mailing address or email address.
(b) When providing a mailing address, the individual may provide a post office box or other mail drop location.
(c) In addition to providing a mailing address, an applicant, licensee, or certificate holder shall provide to the division, in a form approved by the division, an email address.

(2) An applicant, licensee, or certificate holder is considered to have received a notification that has been sent to the most recent:
(a) mailing address provided to the division by the applicant, licensee, or certificate holder; or
(b) email address furnished to the division by the applicant, licensee, or certificate holder.

Amended by Chapter 339, 2020 General Session

58-1-302 License by endorsement.

(1) As used in this section:
(a) "License" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.

(b) "Limited supervised training permit" means a temporary authorization to work in a limited professional capacity that would otherwise require licensure under this title.

(2) Subject to Subsections (4) through (7), the division shall issue a license to an applicant who has been licensed in another state, district, or territory of the United States if:

(a) the division determines that the license issued in the other state, district, or territory encompasses a similar scope of practice as the license sought in this state;

(b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and

(c) the applicant's license is in good standing in the other state, district, or territory where the license was issued.

(3) Subject to the other provisions of this section, the division may issue a license to an applicant who:

(a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i)

(A) the division determines that the applicant's education, credentialing examination, experience, and skills demonstrate competency in the profession for which the licensure is sought in this state; and

(B) the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or

(ii) the division determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the current requirements for the license sought in this state; or

(b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

(i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and

(ii) the division determines that the education, credentialing examination, and experience was substantially similar to the current education, credentialing examination, and experience requirements for the license sought in this state.

(4) The division may refuse to issue a license to an applicant under this section if:

(a) the division determines that there is reasonable cause to believe that the applicant is not qualified to receive the license in this state; or

(b) the applicant has a previous or pending disciplinary action related to the applicant's license.

(5) Before the division issues a license to an applicant under this section, the applicant shall:

(a) pay a fee the department determines in accordance with Section 63J-1-504; and

(b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the profession for which licensure is sought in this state.

(6)

(a) For an applicant who is or has been licensed in another jurisdiction, but does not satisfy the requirements of Subsection (2) or (3), the division may evaluate and determine whether:

(i) the applicant is eligible for a license under this title because the applicant's education, credentialing examination, or experience obtained in the other jurisdiction is substantially similar to the education, credentialing examination, or experience requirements for the license; or

(ii) in light of the applicant's education or experience obtained in the other jurisdiction, the applicant's education or experience would be substantially similar to the education or

experience requirements for a license under this title, if the applicant obtains additional education or experience.

(b) After the division chooses to evaluate an applicant under Subsection (6)(a), the division may issue a limited supervised training permit to the applicant if:

(i) the applicant has an employment offer from an employer in the state;

(ii) the employer attests to the division that the applicant will work under the level of supervision the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, of an individual who:

(A) holds a license in good standing of the same classification as the limited supervised training permit; and

(B) has held the license for a minimum period of time the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(iii)

(A) the division needs additional time to make a determination under Subsection (6)(a)(i); or

(B) the division determines under Subsection (6)(a)(ii) that additional education or experience would make the applicant's education or experience substantially similar to the education or experience requirements for a license under this title, the applicant wishes to pursue the education or experience, and the division makes a deadline for the applicant to complete the additional education or experience;

(iv) the applicant pays a fee the department determines in accordance with Section 63J-1-504;

(v) the applicant meets the minimum professional standards to work in a supervised environment that the division, in consultation with the applicable board, establishes for the applicable profession;

(vi) the applicant submits to a background check, if required for the license for which the applicant applied; and

(vii) the applicant meets with the applicable board, if requested, to evaluate the applicant's qualifications.

(c)

(i) A limited supervised training permit issued under this Subsection (6) expires:

(A) on the deadline that the division makes for the applicant to complete the additional education or experience described in Subsection (6)(b)(iii)(B); or

(B) upon the division's grant or denial of the applicant's application for licensure by endorsement.

(ii) The division may not renew or otherwise extend a limited supervised training permit unless:

(A) a circumstance or hardship arose beyond the limited supervised training permit holder's control that prevented the limited supervised training permit holder from completing the licensure process;

(B) the limited supervised training permit holder presents satisfactory evidence to the division that the limited supervised training permit holder is making reasonable progress toward obtaining licensure in the state;

(C) the division grants the renewal or extension for a period proportionate to the circumstance or hardship; and

(D) the limited supervised training permit holder's employer consents in writing to the renewal or extension.

(7) The division, in consultation with the applicable licensing board, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

(8)

(a) The provisions of this section control over any conflicting licensure by endorsement provision in another chapter of this title.
(b) The division, in consultation with the applicable licensing board and professional educators that help establish and monitor educational requirements for the profession of the applicant under review, shall ensure that the provisions of this section apply uniformly to the administration and enforcement of licensure by endorsement for each license type under this title.
(9) The division shall compile and post on the division's website an annual report that includes:
(a) the number of licenses and limited supervised training permits issued under this section during the preceding year;
(b) each determination in which the division deems specified education, credentialing examination, experience, or skills substantially similar to the education, credentialing examination, experience, or skills required for a license sought under this section; and
(c) documentation of each instance in which the applicable board disagreed with the division's determination that an applicant's education, credentialing examination, experience, or skills from another jurisdiction were substantially similar to the education, credentialing examination, experience, or skills required for the license sought under this section.

Amended by Chapter 64, 2026 General Session

58-1-302.1 Temporary license for telemedicine.
(1) As used in this section:
(a) "Nonresident health care license" means a health care license issued by another state, district, or territory of the United States.
(b) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.
(2) An individual with a temporary license issued under this section is authorized to provide a telemedicine service if:
(a) the telemedicine service is a service the individual is licensed to perform under the nonresident health care license of the state, district, or territory that issued the nonresident health care license;
(b) at the time the telemedicine service is performed, the patient is located in Utah; and
(c) performing the telemedicine service would not otherwise violate state law.
(3) The division shall issue a temporary license described in Subsection (2) to an individual who has a nonresident health care license in good standing if:
(a) the individual has completed an application for a license by endorsement in accordance with Section 58-1-302; and
(b) the division determines that they will not be able to process the application within 15 days from the day on which the application is submitted.
(4) The division may not charge a fee for a temporary license issued under this section beyond the fee required for a license issued under Section 58-1-302.

Amended by Chapter 486, 2024 General Session

58-1-303 Temporary license.
(1)
(a) The division may issue a temporary license to a person who has met all license requirements except the passing of an examination. In this case:
(i) the licensee shall take the next available examination; and

(ii) the temporary license automatically expires upon release of official examination results if the applicant fails the examination.

(b) The division may issue a temporary license to a person licensed in another state or country who is in Utah temporarily to teach or assist a Utah resident licensed to practice an occupation or profession under this title.

(c) The division may issue a temporary license to a person licensed in another state who met the requirements for licensure in that state, which were equal to or greater than the requirements for licensure of this state at the time the license was obtained in the other state, upon a finding by the division, in collaboration with the appropriate board, that the issuance of a temporary license is necessary to or justified by:

(i) a local or national emergency or any governmental action causing an unusual circumstance that might be reasonably considered to materially jeopardize the public health, safety, or welfare if a temporary license is not issued;

(ii) a lack of necessary available services in any community or area of the state from an occupation or profession licensed under this title, if the lack of services might be reasonably considered to materially jeopardize the public health, safety, or welfare if a temporary license is not issued; or

(iii) a need to first observe an applicant for licensure in this state in a monitored or supervised practice of the applicant's occupation or profession before a decision is made by the division either to grant or deny the applicant a regular license.

(2) The division may not issue a temporary license to a person who qualifies for one under Subsection (1)(a) more than three consecutive times within the three-year period immediately following the issuance of the first temporary license.

(3) The division may not issue a temporary license to a person solely because there is a competitive advantage enjoyed or a competitive disadvantage suffered by any party caused by the absence of a licensed person, unless in addition there is or will be a material risk presented to the public health, safety, or welfare.

Renumbered and Amended by Chapter 297, 1993 General Session

58-1-304 Restricted license.

(1) The division may issue a restricted or probationary license to an applicant for licensure, renewal, or reinstatement of licensure if:

(a) the applicant appears to meet the qualifications for licensure, but has engaged in unlawful, unprofessional, or other conduct bearing upon the applicant's qualifications; and

(b) the division determines the need to observe the applicant in a monitored or supervised practice of the applicant's occupation or profession or to attach other reasonable restrictions or conditions upon the applicant in order to accommodate licensure, while protecting the public health, safety, and welfare.

(2) Issuance of a restricted or probationary license is considered a partial denial of licensure that is subject to agency review.

Amended by Chapter 262, 2013 General Session

58-1-305 Inactive license.

(1)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may adopt rules permitting inactive licensure.

(b) The rules shall specify the requirements and procedures for placing a license on inactive status, the length of time a license may remain on inactive status, and the requirements and procedures to activate an inactive license.
(2) Except as otherwise specified by rule, an inactive licensee has no right or privilege to engage in the practice of the licensed occupation or profession.
(3) The division shall waive the renewal fee for a person holding or applying for an inactive license, if at the time of the application for or renewal of the inactive license, the person is on full-time active service with a branch of the armed forces of the United States, including a person who is on full-time active duty orders with the National Guard or reserve component of the armed forces.

Amended by Chapter 90, 2018 General Session

58-1-306 Surrender of license.
(1) The division may, by written agreement, accept the voluntary surrender of a license.
(2) Unless otherwise stated in the written agreement, tender and acceptance of a voluntary surrender of a license does not foreclose the division from pursuing additional disciplinary or other action authorized under this title or in rules adopted under this title.
(3) Unless otherwise stated in the written agreement, tender and acceptance of a voluntary surrender of a license terminates all rights and privileges associated with the license.
(4) Unless otherwise stated in the written agreement, the surrendered rights and privileges of licensure may be reacquired only by reapplying for licensure and meeting the requirements for a new or reinstated license set forth under this title or in rules adopted under this title.
(5) Unless otherwise stated in the written agreement, documentation of tender and acceptance of a voluntary surrender of a license is a public record.
(6) Unless otherwise stated in the written agreement, when a tender and acceptance of a voluntary surrender of a license occurs while adjudicative proceedings are pending against the licensee for unprofessional or unlawful conduct, the division may report the surrender of license to appropriate state and federal agencies and licensing data banks.

Enacted by Chapter 297, 1993 General Session

58-1-307 Exemptions from licensure.
(1) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of their occupation or profession, subject to the stated circumstances and limitations, without being licensed under this title:
(a) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the individual holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;
(b) a student engaged in activities constituting the practice of a regulated occupation or profession while in training in a recognized school approved by the division to the extent the activities are supervised by qualified faculty, staff, or designee and the activities are a defined part of the training program;
(c) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified individuals;

(d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual licensed in this state, and the services provided are limited to that consultation;
(e) an individual who is invited by a recognized school, association, society, or other body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a regulated occupation or profession if the individual does not establish a place of business or regularly engage in the practice of the regulated occupation or profession in this state;
(f) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
(g) an individual licensed in a health care profession in another state who performs that profession while attending to the immediate needs of a patient for a reasonable period during which the patient is being transported from outside of this state, into this state, or through this state;
(h) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the practitioner may only attend to the needs of the athletic team or group, including all individuals who travel with the team or group in any capacity except as a spectator;
(i) an individual licensed and in good standing in another state, who is in this state:
(i) temporarily, under the invitation and control of a sponsoring entity;
(ii) for a reason associated with a special purpose event, based upon needs that may exceed the ability of this state to address through its licensees, as determined by the division; and
(iii) for a limited period of time not to exceed the duration of that event, together with any necessary preparatory and conclusionary periods; and
(j) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, provided:
(i) the spouse holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division; and
(ii) the license is current and the spouse is in good standing in the state of licensure.
(2)
(a) A practitioner temporarily in this state who is exempted from licensure under Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the practitioner derives authority to practice.
(b) Violation of a limitation imposed by this section constitutes grounds for removal of exempt status, denial of license, or other disciplinary proceedings.
(3) An individual who is licensed under a specific chapter of this title to practice or engage in an occupation or profession may engage in the lawful, professional, and competent practice of that occupation or profession without additional licensure under other chapters of this title, except as otherwise provided by this title.
(4) Upon the declaration of a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the president of the United States or other federal official requesting public health-related activities, the division in collaboration with the relevant board may:
(a) suspend the requirements for permanent or temporary licensure of individuals who are licensed in another state for the duration of the emergency while engaged in the scope of practice for which they are licensed in the other state;
(b) modify, under the circumstances described in this Subsection (4) and Subsection (5), the scope of practice restrictions under this title for individuals who are licensed under this title as:

(i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
(ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure Compact - Revised;
(iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
(iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b, Pharmacy Practice Act;
(v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
(vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist Practice Act; and
(vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
(c) suspend the requirements for licensure under this title and modify the scope of practice in the circumstances described in this Subsection (4) and Subsection (5) for medical services personnel or paramedics required to be licensed under Section 53-2d-402;
(d) suspend requirements in Subsections 58-17b-620(3) through (6) which require certain prescriptive procedures;
(e) exempt or modify the requirement for licensure of an individual who is activated as a member of a medical reserve corps during a time of emergency as provided in Section 26A-1-126;
(f) exempt or modify the requirement for licensure of an individual who is registered as a volunteer health practitioner as provided in Title 26B, Chapter 4, Part 8, Uniform Emergency Volunteer Health Practitioners Act; and
(g) in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for licensure of an individual engaged in one or more of the construction trades described in Chapter 55, Utah Construction Trades Licensing Act.
(5) Individuals exempt under Subsection (4)(c) and individuals operating under modified scope of practice provisions under Subsection (4)(b):
(a) are exempt from licensure or subject to modified scope of practice for the duration of the emergency;
(b) must be engaged in the distribution of medicines or medical devices in response to the emergency or declaration; and
(c) must be employed by or volunteering for:
(i) a local or state department of health; or
(ii) a host entity as defined in Section 26B-4-801.
(6) In accordance with the protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health and Human Services or a local health department shall coordinate with public safety authorities as defined in Subsection 26B-7-323(1) and may:
(a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance to prevent or treat a disease or condition that gave rise to, or was a consequence of, the emergency; or
(b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance:
(i) if necessary, to replenish a commercial pharmacy in the event that the commercial pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication is exhausted; or
(ii) for dispensing or direct administration to treat the disease or condition that gave rise to, or was a consequence of, the emergency by:

(A) a pharmacy;
(B) a prescribing practitioner;
(C) a licensed health care facility;
(D) a federally qualified community health clinic; or
(E) a governmental entity for use by a community more than 50 miles from a person described in Subsections (6)(b)(ii)(A) through (D).

(7) In accordance with protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health and Human Services shall coordinate the distribution of medications:
(a) received from the strategic national stockpile to local health departments; and
(b) from local health departments to emergency personnel within the local health departments' geographic region.

(8) The Department of Health and Human Services shall establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state, or local emergency. The protocol shall establish procedures for the Department of Health and Human Services or a local health department to:
(a) coordinate the distribution of:
(i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance received by the Department of Health and Human Services from the strategic national stockpile to local health departments; and
(ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription medication received by a local health department to emergency personnel within the local health department's geographic region;
(b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance to the contact of a patient without a patient-practitioner relationship, if the contact's condition is the same as that of the physician's or physician assistant's patient; and
(c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an antibiotic, or other non-controlled prescription medication to an individual who:
(i) is working in a triage situation;
(ii) is receiving preventative or medical treatment in a triage situation;
(iii) does not have coverage for the prescription in the individual's health insurance plan;
(iv) is involved in the delivery of medical or other emergency services in response to the declared national, state, or local emergency; or
(v) otherwise has a direct impact on public health.

(9) The Department of Health and Human Services shall give notice to the division upon implementation of the protocol established under Subsection (8).

Amended by Chapter 438, 2025 General Session

58-1-307.1 Delegation of health care services -- Division duties.

The division, in consultation with the Department of Health, shall identify by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a list of health care services that an unlicensed individual may perform without delegation by a health care provider, as defined in Section 78B-3-403, regardless of the setting or licensing of the facility in which the health care services are performed.

Enacted by Chapter 314, 2020 General Session

58-1-308 Term of license -- Expiration of license -- Renewal of license -- Reinstatement of license -- Application procedures.

(1)
(a) Each license issued under this title shall be issued in accordance with a two-year renewal cycle established by rule.
(b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2)
(a) The expiration date of a license shall be shown on the license.
(b) A license that is not renewed prior to the expiration date shown on the license automatically expires.
(c) A license automatically expires prior to the expiration date shown on the license upon the death of a licensee who is a natural person, or upon the dissolution of a licensee that is a partnership, corporation, or other business entity.
(d) If the existence of a dissolved partnership, corporation, or other business entity is reinstated prior to the expiration date shown upon the entity's expired license issued by the division, the division shall, upon written application, reinstate the applicant's license, unless it finds that the applicant no longer meets the qualifications for licensure.
(e) Expiration of licensure is not an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

(3)
(a) The division shall notify each licensee in accordance with procedures established by rule that the licensee's license is due for renewal and that unless an application for renewal is received by the division by the expiration date shown on the license, together with the appropriate renewal fee and documentation showing completion of or compliance with renewal qualifications, the license will not be renewed.
(b) Examples of renewal qualifications which by statute or rule the division may require the licensee to document completion of or compliance with include:
(i) continuing education;
(ii) continuing competency;
(iii) quality assurance;
(iv) utilization plan and protocol;
(v) financial responsibility;
(vi) certification renewal; and
(vii) calibration of equipment.

(4)
(a)
(i) An application for renewal that complies with Subsection (3) is complete.
(ii) A renewed license shall be issued to applicants who submit a complete application, unless it is apparent to the division that the applicant no longer meets the qualifications for continued licensure.
(b)
(i) The division may evaluate or verify documentation showing completion of or compliance with renewal requirements on an entire population or a random sample basis, and may be assisted by advisory peer committees.

(ii) If necessary, the division may complete its evaluation or verification subsequent to renewal and, if appropriate, pursue action to suspend or revoke the license of a licensee who no longer meets the qualifications for continued licensure.

(c) The application procedures specified in Subsection 58-1-301(2), apply to renewal applications to the extent they are not in conflict with this section.

(5)

(a) Any license that is not renewed may be reinstated:

(i) upon submission of an application for reinstatement, payment of the renewal fee together with a reinstatement fee determined by the department under Section 63J-1-504, and upon submission of documentation showing completion of or compliance with renewal qualifications; and

(ii)

(A) at any time within two years after nonrenewal; or

(B) between two years and five years after nonrenewal, if established by rule made by the division in consultation with the applicable licensing board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The application procedures specified in Subsection 58-1-301(2) apply to the reinstatement applications to the extent they are not in conflict with this section.

(c) Except as otherwise provided by rule, a license that is reinstated no later than 120 days after it expires shall be retroactively reinstated to the date it expired.

(6)

(a) Except as provided in Subsection (5)(a), if not reinstated within two years, the holder may obtain a license only if the holder meets requirements provided by the division by rule or by statute for a new license.

(b) Each licensee under this title who has been active in the licensed occupation or profession while in the full-time employ of the United States government or under license to practice that occupation or profession in any other state or territory of the United States may reinstate the licensee's license without taking an examination by submitting an application for reinstatement, paying the current annual renewal fee and the reinstatement fee, and submitting documentation showing completion of or compliance with any renewal qualifications at any time within six months after reestablishing domicile within Utah or terminating full-time government service.

(7) A service member may reactivate an expired professional or occupational license as described in 71A-8-103.

Amended by Chapter 185, 2024 General Session

58-1-309 Laws and rules examination.

In addition to qualifications for licensure or renewal of licensure enumerated in specific practice acts under this title, the division may by rule require an applicant to pass an examination of the laws and rules relevant to the occupation or profession to ensure familiarity with these laws and rules.

Enacted by Chapter 297, 1993 General Session

58-1-310 Application for division determination regarding criminal conviction.

(1) An individual with a criminal record may apply to the division at any time for a determination of whether the individual's criminal record would disqualify the individual from obtaining a license

in an occupation or profession regulated by this title if the individual has completed or were to complete all other licensing requirements for the occupation or profession.

(2) To receive a determination, the individual shall submit the application described in this section in a form the division approves and shall include information regarding:
  (a) the individual's complete criminal conviction history;
  (b) what occupational or professional license the individual is interested in seeking;
  (c) what licensing requirements the individual meets;
  (d) what licensing requirements the individual has not met; and
  (e) any other information the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) The division may charge the individual a fee, established in accordance with Section 63J-1-504, to submit an application under this section.

(4) Within 90 days of the day on which the division receives a completed application from an individual for a determination under this section, based on the statutory authority and administrative rules governing the occupation or profession at the time of the application, the division shall provide a written determination to the individual of whether the individual's criminal record would disqualify the individual from obtaining a license in an occupation or profession this title regulates if the individual were to complete all other licensing requirements.

(5) If the individual's criminal record would disqualify the individual from obtaining a license in an occupation or profession this title regulates, the written determination described in Subsection (4) may also include information regarding additional steps the individual could take to qualify for licensure.

Amended by Chapter 64, 2026 General Session

58-1-311 Required examinations in languages in addition to English.

In order to encourage economic development in the state, the department may offer any required examination under this title, which is prepared by a national testing organization, in languages in addition to English.

Amended by Chapter 409, 2021 General Session

58-1-312 Organ donation notification.

(1) As used in this section:
  (a) "Donor" means the same as that term is defined in Section 26B-8-301.
  (b) "Donor registry" means the same as that term is defined in Section 26B-8-301.

(2) At the same time the division issues a new license to a licensee in accordance with Subsection 58-1-301(4), and at the same time the division notifies a licensee that the licensee's license is due for renewal in accordance with Subsection 58-1-308(3)(a), the division shall distribute to the licensee, by email using the most recent email address furnished to the division by the licensee, a message notifying the licensee of the option to register as a donor and providing the licensee an Internet link to a website for a donor registry established under Section 26B-8-319.

Amended by Chapter 328, 2023 General Session

58-1-313 Veteran licensing.

(1) As used in this section:

(a) "License" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.
(b) "Service member" means the same as that term is defined in Section 71A-1-101.
(2) The division shall, in consultation with the Department of Veterans and Military Affairs:
(a) identify skills, experience, credentials, training, and education that an individual can obtain in the armed forces;
(b) determine to what level the skills, experience, credentials, training, and education described in Subsection (2)(a) are substantially equivalent to current requirements in statute or administrative rule for a license and can substitute for the requirements; and
(c) prepare and update as necessary a document, spreadsheet, or other resource accessible by the public on the division's website detailing the information described in Subsection (2)(a) and (b).
(3) If a veteran or service member applies for a license and does not meet the current required training or education requirements established in statute or administrative rule for the license, the division shall give credit to the veteran or service member for relevant skills, experience, credentials, training, or education obtained while in the armed forces based on the determination described in Subsection (2)(b).
(4) On or before November 1, 2028, the division shall provide a report the Business and Labor Interim Committee regarding:
(a) the number of applicants for a license who are veterans or service members that have successfully been granted a license under this section; and
(b) any legislative recommendations for changes to this section.

Enacted by Chapter 75, 2026 General Session

Part 4
License Denial

58-1-401 Grounds for denial of license -- Disciplinary proceedings -- Time limitations -- Sanctions.

(1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title.
(2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of a licensee for the following reasons:
(a) subject to the provisions of Subsection (7), the applicant or licensee engages in unprofessional conduct, as statute or rule under this title defines;
(b) the applicant or licensee engages in unlawful conduct as statute under this title defines;
(c) a court with jurisdiction determines that the applicant is mentally incompetent; or
(d) subject to Subsections 58-31b-401(6), 58-60-108(2), 58-61-401(2), 58-67-401(2), 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v), when the condition demonstrates a threat or potential threat to the public health, safety, or welfare.

(3) A licensee with a license that has been suspended, revoked, placed on probation, or restricted, may apply for reinstatement of the license at reasonable intervals when the licensee complies with the conditions that statute, rule, or the terms of the suspension, revocation, probation, or restriction impose.
(4) The division may issue cease and desist orders to:
(a) a licensee or applicant who may be disciplined under Subsection (1) or (2);
(b) a person that engages in or represents that the person is engaged in an occupation or profession regulated under this title; and
(c) a person that otherwise violates this title or a rule adopted under this title.
(5) The division may impose an administrative penalty in accordance with Section 58-1-502.
(6)
(a) The division may not take disciplinary action against a person for unprofessional or unlawful conduct under this title, unless the division enters into a stipulated agreement or initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the division, except under Subsection (6)(b).
(b)
(i) The division may not take disciplinary action against a person for unprofessional or unlawful conduct more than 10 years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.
(ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license due to unprofessional or unlawful conduct that occurred more than 10 years before a request or application for licensure is made.
(7) When the division is determining whether to refuse to issue a license to an applicant, or to refuse to renew the license of a licensee, based solely on the criminal conviction of an applicant or licensee, the division shall:
(a) provide individualized consideration to the applicant or licensee;
(b) determine whether the criminal conviction bears a substantial relationship to the applicant's or licensee's ability to safely or competently practice the occupation or profession; and
(c) consider the applicant's or licensee's current circumstances, which may include any of the following:
(i) the age of the applicant or licensee when the applicant or licensee committed the offense;
(ii) the time that has elapsed since the applicant or licensee committed the offense;
(iii) whether the applicant or licensee has completed the applicant's or licensee's criminal sentence;
(iv) whether the applicant has completed or is actively participating in rehabilitative drug or alcohol treatment;
(v) any testimonials or recommendations from other individuals that the applicant or licensee, including a progress report from the applicant's or licensee's probation or parole officer, provides;
(vi) other evidence of rehabilitation the applicant or licensee provides;
(vii) the education and training of the applicant or licensee;
(viii) the employment history of the applicant or licensee; and
(ix) other relevant information the applicant or licensee provides.

Amended by Chapter 64, 2026 General Session

58-1-402 Administrative review -- Special appeals boards.

(1)
(a) Any applicant who has been denied a license to practice on the basis of credentials, character, a criminal record, or failure to pass a required examination, or who has been refused renewal or reinstatement of a license to practice on the basis that the applicant does not meet qualifications for continued licensure in any occupation or profession under the jurisdiction of the division may submit a request for agency review to the executive director within 30 days following notification of the denial of a license or refusal to renew or reinstate a license.
(b) The executive director shall determine whether the circumstances for denying an application for an initial license or for renewal or reinstatement of a license would justify calling a special appeals board under Subsection (2). The executive director's decision is not subject to agency review.
(2) A special appeals board shall consist of three members appointed by the executive director as follows:
(a) one member from the occupation or profession in question who is not on the board of that occupation or profession;
(b) one member from the general public who is neither an attorney nor a practitioner in an occupation or profession regulated by the division; and
(c) one member who is a resident lawyer currently licensed to practice law in this state who shall serve as chair of the special appeals board.
(3) The special appeals board shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its proceedings.
(4)
(a) Within a reasonable amount of time following the conclusion of a hearing before a special appeals board, the board shall enter an order based upon the record developed at the hearing. The order shall state whether a legal basis exists for denying the application for an initial license or for renewal or reinstatement of a license that is the subject of the appeal. The order is not subject to further agency review.
(b) The division or the applicant may obtain judicial review of the decision of the special appeals board in accordance with Sections 63G-4-401 and 63G-4-403.
(5) A member 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.
(6) If an applicant under Subsection (1) is not given a special appeals board, the applicant shall be given agency review under the ordinary agency review procedures specified by rule.

Amended by Chapter 289, 2020 General Session

58-1-403 Minimum 90-day suspension.

A license may not be reinstated subsequent to action taken under Section 58-1-401 within 90 days after the action has been taken, unless the division in collaboration with the appropriate board imposes other conditions.

Renumbered and Amended by Chapter 297, 1993 General Session

58-1-405 Provisions of volunteer health or veterinary services -- Division authority.

In accordance with Section 26B-4-807, the division may pursue actions against a volunteer health practitioner operating under Title 26B, Chapter 4, Part 8, Uniform Emergency Volunteer Health Practitioners Act.

Amended by Chapter 328, 2023 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-1-501 Unlawful and unprofessional conduct.

(1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes when the person:

(a) practices or engages in, represents oneself to be practicing or engaging in, or attempts to practice or engage in any profession requiring licensure under this title, except the behavioral health technician under Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act, if the person is:

(i) not licensed to do so or not exempted from licensure under this title; or

(ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;

(b)

(i) impersonates another licensee or practicing a profession under a false or assumed name, except as permitted by law; or

(ii) for a licensee who has had a license under this title reinstated following disciplinary action, practicing the same profession using a different name than the name used before the disciplinary action, except as permitted by law and after notice to, and approval by, the division;

(c) knowingly employs any other person to practice or engage in or attempt to practice or engage in any profession licensed under this title if the employee is not licensed to do so under this title;

(d) knowingly permits the person's authority to practice or engage in any profession licensed under this title to be used by another, except as permitted by law;

(e) obtains a passing score on a licensure examination, applying for or obtaining a license, or otherwise dealing with the division or a licensing board through the use of fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;

(f)

(i) issues, or engages in aiding and abetting in the issuance of, an order or prescription for a drug or device to a person located in this state:

(A) without prescriptive authority conferred by a license issued under this title, or by an exemption to licensure under this title; or

(B) with prescriptive authority conferred by an exception issued under this title or a multistate practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment; and

(ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call or cross coverage situation, provided that the person that issues the prescription has prescriptive

authority conferred by a license under this title, or is exempt from licensure under this title; or

(g) engages in aiding or abetting any other person to violate any statute, rule, or order regulating a profession under this title.

(2)

(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes when a licensee or applicant:

(i) violates any statute, rule, or order regulating a profession under this title;

(ii) violates or engages in aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title;

(iii) subject to the provisions of Subsection (4), engages in conduct that results in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation with respect to a crime that, when considered with the functions and duties of the profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or competently practice the profession;

(iv) engages in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;

(v) engages in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to perform licensed duties with reasonable skill and safety;

(vi) practices or attempts to practice a profession regulated under this title despite being physically or mentally unfit to do so;

(vii) practices or attempts to practice a profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

(viii) practices or attempts to practice a profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

(ix) practices or attempts to practice a profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;

(x) practices or attempts to practice a profession regulated under this title beyond the scope of the licensee's license;

(xi) acts or attempts to act to prohibit or inhibit the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;

(xii) verbally, physically, mentally, or sexually abuses or exploits any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license;

(xiii) acts as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;

(xiv) issues, or engages in aiding and abetting in the issuance of, an order or prescription for a drug or device:

(A) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed treatment; or

(B) with prescriptive authority conferred by an exception issued under this title, or a multi-state practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment;

(xv) violates a provision of Section 58-1-501.5;

(xvi) violates the terms of an order governing a license;

(xvii) violates Section 58-1-511; or

(xviii) a violation of a provision of Title 63G, Chapter 33, Part 3, Free Exercise of Religious Beliefs or Conscience, by a health care provider, as defined in Section 63G-33-301.

(b) "Unprofessional conduct" does not include:

(i) a health care provider, as defined in Section 78B-3-403 and who is licensed under this title, deviating from medical norms or established practices if the conditions described in Subsection (5) are met; and

(ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the health care provider deviates from medical norms or established practices, including the maladies the health care provider treats, if the health care provider:

(A) does not guarantee any results regarding any health care service;

(B) fully discloses on the health care provider's website that the health care provider deviates from medical norms or established practices with a conspicuous statement; and

(C) includes the health care provider's contact information on the website.

(3) Unless otherwise specified by statute or administrative rule, in a civil or administrative proceeding that the division commences under this title, a person subject to any of the unlawful and unprofessional conduct provisions of this title is strictly liable for each violation.

(4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):

(a) an arrest not followed by a conviction; or

(b) a conviction for which an individual's incarceration has ended more than five years before the date of the division's consideration, unless:

(i) after the incarceration the individual has engaged in additional conduct that results in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation; or

(ii) the conviction was for:

(A) a violent felony as defined in Section 76-3-203.5;

(B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;

(C) a felony related to criminal fraud or embezzlement, including a felony under Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or

(D) a crime or a pattern of crimes that demonstrates a substantial potential to harm Utah patients or consumers, as the director may determine in a process the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or established practices if:

(a) the health care provider does not deviate outside of the health care provider's scope of practice and possesses the education, training, and experience to competently and safely administer the alternative health care service;
(b) the health care provider does not provide an alternative health care service that is otherwise contrary to any state or federal law;
(c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the alternative health care service is to be given;
(d) the potential benefit of the alternative health care service outweighs the known harms or side effects of the alternative health care service;
(e) the alternative health care service is reasonably justified under the totality of the circumstances;
(f) after diagnosis but before providing the alternative health care service:
(i) the health care provider educates the patient on the health care services that are within the medical norms and established practices;
(ii) the health care provider discloses to the patient that the health care provider is recommending an alternative health care service that deviates from medical norms and established practices;
(iii) the health care provider discusses the rationale for deviating from medical norms and established practices with the patient;
(iv) the health care provider discloses any potential risks associated with deviation from medical norms and established practices; and
(v) the patient signs and acknowledges a notice of deviation; and
(g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.
(6) As used in this section, "notice of deviation" means a written notice a health care provider provides to a patient that:
(a) is specific to the patient;
(b) indicates that the health care provider is deviating from medical norms or established practices in the health care provider's recommendation for the patient's treatment;
(c) describes how the alternative health care service deviates from medical norms or established practices;
(d) describes the potential risks and benefits associated with the alternative health care service;
(e) describes the health care provider's reasonably justified rationale regarding the reason for the deviation; and
(f) provides clear and unequivocal notice to the patient that the patient is agreeing to receive the alternative health care service which is outside medical norms and established practices.

Amended by Chapter 64, 2026 General Session

58-1-501.3 Health professional prescribing exceptions for expedited partner therapy for sexually transmitted diseases.
(1) For purposes of this section:
(a) "Drug to treat a sexually transmitted disease" means a drug:
(i) as defined in Section 58-17b-102; and
(ii) that is:
(A) an antibiotic; and

(B) prescribed in accordance with guidelines from the Centers for Disease Control and Prevention for patient delivered expedited partner therapy in the management of sexually transmitted disease.

(b) "Partner" means a person:

(i) with whom a practitioner does not have a bonafide practitioner-patient relationship; and

(ii) who is identified as, or claims to be a sexual partner of a patient.

(c) "Patient" means a person who:

(i) has a sexually transmitted disease; and

(ii) has a bonafide practitioner-patient relationship with a practitioner.

(d) "Sexually transmitted disease" means:

(i) gonorrhea; or

(ii) chlamydia.

(2) This section does not require a practitioner or a licensee under this chapter to prescribe or dispense a drug to treat a sexually transmitted disease for patient delivered expedited partner therapy. A practitioner's or licensee's decision to use expedited partner therapy as allowed by this section is voluntary.

(3) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, it is not unlawful conduct or unprofessional conduct, and it does not violate the provisions of this chapter if:

(a) a practitioner, in accordance with this Subsection (3):

(i) issues a prescription for a drug to treat a sexually transmitted disease to a partner by:

(A) writing "partner of (patient name)" on the prescription order; and

(B) giving the partner's prescription to the patient for subsequent use by the partner; or

(ii) notwithstanding Section 58-17b-610, dispenses a drug sample to treat a sexually transmitted disease to the patient for the subsequent use of the partner; or

(b) a pharmacist, in accordance with this Subsection (3), dispenses a prescription drug for the treatment of a sexually transmitted disease to:

(i) a person who:

(A) claims to be a partner; and

(B) presents a prescription for the drug to the pharmacist which is written for the unnamed partner of a named patient;

(ii) the patient for the subsequent use by the unnamed partner; or

(iii) an agent of the patient or partner.

(4)

(a) For purposes of Subsection (3), and notwithstanding Section 58-17b-602:

(i) the partner does not have to be identified on the prescription order by information that would disclose the identity of the partner; and

(ii) when dispensing a drug to treat a sexually transmitted disease directly to the partner, the patient's identifying information may, but does not need to, be included on the partner's drug label.

(b) Information provided by a pharmacist to a patient or the patient's agent for subsequent use by a partner satisfies the requirements of patient counseling for both the patient and the partner under Section 58-17b-613.

(5)

(a) The Legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.

(b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wanton.

Enacted by Chapter 151, 2009 General Session

58-1-501.5 Anatomic pathology services -- Billing violations.

(1) As used in this section, the following definitions apply:

(a)

(i) "Anatomic pathology services" including "technical or professional component of anatomic pathology services" means:

(A) histopathology or surgical pathology, meaning the gross examination of, histologic processing of, or microscopic examination of human organ tissue performed by a physician or under the supervision of a physician;

(B) cytopathology, meaning the examination of human cells, from fluids, aspirates, washings, brushings, or smears, including the pap test examination performed by a physician or under the supervision of a physician;

(C) hematology, meaning the microscopic evaluation of human bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician and peripheral human blood smears when the attending or treating physician or other practitioner of the healing arts or a technologist requests that a blood smear be reviewed by a pathologist;

(D) subcellular pathology and molecular pathology; and

(E) blood bank services performed by a pathologist.

(ii) "Anatomic pathology services" including "technical or professional component of anatomic pathology services" does not include the initial collection or packaging of a sample for transport.

(b) "Clinical laboratory" or "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of human beings or the assessment of the health of human beings.

(c) "Health care facility" has the meaning provided in Section 26B-2-201.

(d) "Health care provider" includes:

(i) an advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;

(ii) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;

(iii) a dentist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act;

(iv) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;

(v) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act;

(vi) an osteopathic physician and surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;

(vii) a podiatric physician licensed under Chapter 5a, Podiatric Physician Licensing Act;

(viii) a physician and surgeon licensed under Chapter 67, Utah Medical Practice Act; and

(ix) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act.

(e) "Insurer" includes:

(i) any entity offering accident and health insurance as defined in Section 31A-1-301;

(ii) workers' compensation benefits;

(iii) a health maintenance organization; or

(iv) any self-insurance, as defined in Section 31A-1-301, that offers health care insurance or benefits.

(2)

(a) A health care provider who orders anatomic pathology services for a patient from an independent physician or laboratory may not directly or indirectly mark up, charge a commission, or make a profit on the anatomic pathology service provided by the independent physician or laboratory.
(b) Nothing in Subsection (2)(a):
(i) restricts the ability of a health care provider, who has not performed or supervised either the technical or professional component of the anatomic pathology service, to obtain payment for services related solely to the collection and packaging of a sample and administrative billing costs; or
(ii) restricts the ability of the lab function in the Department of Health and Human Services to bill for services.
(3) A health care provider when billing a patient directly for anatomic pathology services provided by an independent physician or laboratory shall furnish an itemized bill which conforms with the billing practices of the American Medical Association that conspicuously discloses the charge for each anatomic pathology service, physician or laboratory name, and address for each anatomic pathology service rendered to the patient by the physician or laboratory that performed the anatomic pathology service.
(4) The disclosure to be made under Subsection (3) shall not be required when the anatomic pathology service is being ordered by a hospital, a laboratory performing either the professional or technical component of the service, or a physician performing either the professional or technical component of the service, a public health clinic, or a state or federal agency.
(5) Failure to comply with the requirements of this section shall be considered to be unprofessional conduct.

Amended by Chapter 328, 2023 General Session

58-1-501.6 Health care provider advertisements and disclosure -- Unprofessional conduct.

For purposes of this section:
(1)
(a) "Advertisement" includes:
(i) billboards;
(ii) written documents such as:
(A) brochures;
(B) pamphlets;
(C) direct mail solicitations;
(D) radio, television, and telephone solicitation scripts; and
(E) telephone directories;
(iii) media, including television, radio, and Internet websites; and
(iv) any other means of promotion intended to directly or indirectly induce a person to enter into an agreement for services with a health care provider.
(b) "Advertisement" does not include materials that provide information about health care provider networks established by health insurance carriers.
(2) "Health care provider" means a natural person who is:
(a) defined as a health care provider in Section 78B-3-403; and
(b) licensed under this title.
(3)
(a) This section does not provide authority for a health care provider to advertise the services offered by the health care provider.

(b) If a health care provider's licensing authority and professional ethics permit the health care provider to advertise, the provisions of this section apply to any advertisement for the health care provider's services, on or after July 1, 2011.

(4) An advertisement for a health care provider's services that includes the health care provider's name shall identify the license type, as used by the division, under which the health care provider is practicing.

(5)

(a) A physician licensed under Chapter 67, Utah Medical Practice Act, may comply with the requirements of this section by using any one of the designations in the definitions of "practice of medicine" in Section 58-67-102.

(b) A physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act, may comply with this section by using any of the designations in the definition of "practice of osteopathic medicine" in Section 58-68-102.

(6) It is unprofessional conduct if a health care provider violates this section.

Enacted by Chapter 139, 2011 General Session

58-1-501.7 Standards of conduct for prescription drug education -- Academic and commercial detailing.

(1) For purposes of this section:

(a) "Academic detailing":

(i) means a health care provider who is licensed under this title to prescribe or dispense a prescription drug and employed by someone other than a pharmaceutical manufacturer:

(A) for the purpose of countering information provided in commercial detailing; and

(B) to disseminate educational information about prescription drugs to other health care providers in an effort to better align clinical practice with scientific research; and

(ii) does not include a health care provider who:

(A) is disseminating educational information about a prescription drug as part of teaching or supervising students or graduate medical education students at an institution of higher education or through a medical residency program;

(B) is disseminating educational information about a prescription drug to a patient or a patient's representative; or

(C) is acting within the scope of practice for the health care provider regarding the prescribing or dispensing of a prescription drug.

(b) "Commercial detailing" means an educational practice employed by a pharmaceutical manufacturer in which clinical information and evidence about a prescription drug is shared with health care professionals.

(c) "Manufacture" means the same as that term is defined in Section 58-37-101.

(d) "Pharmaceutical manufacturer" is a person who manufactures a prescription drug.

(2)

(a) Except as provided in Subsection (3), the provisions of this section apply to an academic detailer beginning July 1, 2013.

(b) An academic detailer and a commercial detailer who educate another health care provider about prescription drugs through written or oral educational material is subject to federal regulations regarding:

(i) false and misleading advertising in 21 C.F.R., Part 201 (2007);

(ii) prescription drug advertising in 21 C.F.R., Part 202 (2007); and

(iii) the federal Office of the Inspector General's Compliance Program Guidance for Pharmaceutical Manufacturers issued in April 2003, as amended.

(c) A person who is injured by a violation of this section has a private right of action against a person engaged in academic detailing, if:

(i) the actions of the person engaged in academic detailing, that are a violation of this section, are:

(A) the result of gross negligence by the person; or

(B) willful and wanton behavior by the person; and

(ii) the damages to the person are reasonable, foreseeable, and proximately caused by the violations of this section.

(3)

(a) For purposes of this Subsection, "accident and health insurance":

(i) means the same as that term is defined in Section 31A-1-301; and

(ii) includes a self-funded health benefit plan and an administrator for a self-funded health benefit plan.

(b) This section does not apply to a person who engages in academic detailing if that person is engaged in academic detailing on behalf of:

(i) a person who provides accident and health insurance, including when the person who provides accident and health insurance contracts with or offers:

(A) the state Medicaid program, including the Primary Care Network within the state's Medicaid program;

(B) the Children's Health Insurance Program created in Section 26B-3-902;

(C) a Medicare plan; or

(D) a Medicare supplement plan;

(ii) a hospital as defined in Section 26B-2-201;

(iii) any class of pharmacy as defined in Section 58-17b-102, including any affiliated pharmacies;

(iv) an integrated health system as defined in Section 13-5b-102; or

(v) a medical clinic.

(c) This section does not apply to communicating or disseminating information about a prescription drug for the purpose of conducting research using prescription drugs at a health care facility as defined in Section 26B-2-201, or a medical clinic.

Amended by Chapter 362, 2026 General Session

58-1-501.8 Occupational and professional identification of health care providers -- Unlawful and unprofessional conduct -- Penalties.

(1) For purposes of this section:

(a) "Badge" means a tag or badge in plain view:

(i) attached to a health care provider's clothing; or

(ii) hanging from a lanyard around a health care provider's neck.

(b) "Clothing" means a health care provider's outermost article of clothing that is visible to others.

(c) "Deceptive or misleading conduct" means any affirmative communication or representation that falsely states, describes, holds out, or details an individual's licensure, training, education, or profession.

(d) "Health care provider" means a natural person who is:

(i) defined as a health care provider in Section 78B-3-403; and

(ii) licensed under this title.

(e) "Identification" means a badge or stitching, or permanent writing in plain view on clothing that:
(i) includes the health care provider's name;
(ii) includes the license type held by the health care provider;
(iii) is worn in a manner that is visible and apparent to others; and
(iv) contains the information required by Subsections (1)(e)(i) and (ii):
(A) in a manner and of sufficient size that can be easily read; and
(B) on both sides of the badge, unless the badge or tag is attached to clothing in a way that prevents the badge from rotating.
(f) "License type" means a designation of the license type that satisfies the requirements of Section 58-1-501.6.
(g) "Patient encounter" means an interaction in a health care facility, health care clinic, or office in which a patient can see a health care provider delivering services directly to a patient.
(2) Beginning January 1, 2015, except as provided in Subsections (3) and (4), a health care provider shall wear identification during any patient encounter.
(3) A health care provider's identification may be covered if required under sterilization or isolation protocols.
(4) A health care provider is not required to wear identification:
(a) if wearing identification would jeopardize the health care provider's safety; or
(b)
(i) in an office in which:
(A) the license type and names of all health care providers working in the office are displayed on the office door; or
(B) each health care provider working in the office has the health care provider's license posted prominently in the office and readily visible to a patient; and
(ii) if the office is an office:
(A) of a solo health care provider; or
(B) of a single type of health care provider.
(5) An individual who is a student or is in training to obtain a license as a health care provider shall:
(a) wear identification during patient encounters that identifies the person as in training, or a student, for the particular license type; and
(b) otherwise comply with the provisions of this section.
(6) It is unprofessional conduct if a health care provider violates this section.
(7) It is unlawful conduct if an individual:
(a) wears identification in a patient encounter that suggests that the individual is practicing or engaging in an occupation or profession that the individual may not lawfully practice or engage in under this title; or
(b) engages in deceptive or misleading conduct.
(8) An individual who violates this section is subject to Section 58-1-502.

Enacted by Chapter 99, 2014 General Session

58-1-502 Unlawful and unprofessional conduct -- Penalties.
(1)
(a) Unless otherwise specified in this title, a person who violates the unlawful conduct provisions defined in this title is guilty of a class A misdemeanor.
(b) Unless a specific fine amount is specified elsewhere in this title, the director or the director's designee may assess an administrative fine of up to $1,000 for each instance of unprofessional or unlawful conduct defined in this title.

(2)

(a) In addition to any other statutory penalty for a violation related to a specific occupation or profession regulated by this title, if upon inspection or investigation, the division concludes that a person has violated Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(a)(xvi), or a rule or order issued with respect to those subsections, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly:

(i) issue a citation to the person according to this section and any pertinent rules;

(ii) attempt to negotiate a stipulated settlement; or

(iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b)

(i) The division may assess a fine under this Subsection (2) against a person who violates Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(a)(xvi), or a rule or order issued with respect to those subsections, as evidenced by:

(A) an uncontested citation;

(B) a stipulated settlement; or

(C) a finding of a violation in an adjudicative proceeding.

(ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i), order the person to cease and desist from violating Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(a)(xvi), or a rule or order issued with respect to those subsections.

(c) Except for a cease and desist order, the division may not assess the licensure sanctions cited in Section 58-1-401 through a citation.

(d) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of a fine assessed by the citation within the time specified in the citation.

(e) The division may issue a notice in lieu of a citation.

(f)

(i) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The period to contest a citation may be extended by the division for cause.

(g) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.

(h) The failure of an applicant for licensure to comply with a citation after the citation becomes final is a ground for denial of license.

(i) Subject to the time limitations described in Subsection 58-1-401(6), the division may not issue a citation under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(j) The director or the director's designee shall assess fines according to the following:

(i) for the first offense handled in accordance with Subsection (2)(a), a fine of up to $1,000;

(ii) for a second offense handled in accordance with Subsection (2)(a), a fine of up to $2,000; and

(iii) for each subsequent offense handled in accordance with Subsection (2)(a), a fine of up to $2,000 for each day of continued offense.

(3)

(a) An action for a first or second offense that has not yet resulted in a final order of the division may not preclude initiation of a subsequent action for a second or subsequent offense during the pendency of a preceding action.

(b) The final order on a subsequent action is considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.

(4)

(a) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court may award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 64, 2026 General Session

58-1-503 Maximum civil penalty for violation of court order.

(1) If any written order issued under this title or if an injunction or temporary restraining order issued by a court of competent jurisdiction relating to this title is violated, the court may impose a civil penalty of not more than $2,000 for each day the written order, injunction, or temporary restraining order is violated, if the person in violation has received notice of the written order, injunction, or temporary restraining order.

(2) All penalties ordered under this section shall be deposited into the General Fund.

Renumbered and Amended by Chapter 297, 1993 General Session

58-1-504 Court-ordered discipline.

The division shall promptly withhold, suspend, restrict, or reinstate the use of a license issued under this title if so ordered by a court.

Enacted by Chapter 232, 1997 General Session

58-1-505 Cosmetic medical procedure supervisor.

(1) For purposes of this section and Section 58-1-506:

(a) "Cosmetic medical facility" means a physician's office or a facility that has a supervisor who performs the supervision required in Section 58-1-506.

(b) "Supervisor" means:

(i) a physician with an unrestricted license under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act, who is acting within the scope of the practice of medicine, as defined in Section 58-67-102; and

(ii) an advanced practice registered nurse with an unrestricted license under Chapter 31b, Nurse Practice Act, who is acting within the scope of practice of advanced practice registered nursing, as defined in Section 58-31b-102.

(2)

(a) An individual authorized by this title to perform a cosmetic medical procedure shall be supervised by a supervisor when performing a medical procedure.
(b) Cosmetic medical procedures may only be performed in a cosmetic medical facility.
(c) A supervisor may delegate the supervisory role only to another individual who is qualified as a supervisor.

Enacted by Chapter 362, 2012 General Session

58-1-506 Supervision of cosmetic medical procedures.

(1) For purposes of this section:
(a) "Delegation group A" means the following who are licensed under this title, acting within their respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii):
(i) a physician assistant, if acting in accordance with Chapter 70a, Utah Physician Assistant Act;
(ii) a registered nurse;
(iii) a master esthetician; and
(iv) an electrologist, if evaluating for or performing laser hair removal.
(b) "Delegation group B" means:
(i) a practical nurse or an esthetician who is licensed under this title, acting within the nurse or esthetician's respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii); and
(ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).
(c) "Direct cosmetic medical procedure supervision" means the supervisor:
(i) has authorized the procedure to be done on the patient by the supervisee; and
(ii) is present and available for a face-to-face communication with the supervisee when and where a cosmetic medical procedure is performed.
(d) "General cosmetic medical procedure supervision" means the supervisor:
(i) has authorized the procedure to be done on the patient by the supervisee;
(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 cosmetic medical facility.
(e) "Hair removal review" means:
(i) conducting an in-person, face-to-face interview of a patient based on the responses provided by the patient to a detailed medical history assessment that was prepared by the supervisor;
(ii) evaluating for contraindications and conditions that are part of the treatment plan; and
(iii) if the patient history or patient presentation deviates in any way from the treatment plan, referring the patient to the supervisor and receiving clearance from the supervisor before starting the treatment.
(f) "Indirect cosmetic medical procedure supervision" means the supervisor:
(i) has authorized the procedure to be done on the patient by the supervisee;
(ii) has given written instructions to the person being supervised;
(iii) is present within the cosmetic medical facility in which the person being supervised is providing services; and
(iv) is available to:
(A) provide immediate face-to-face communication with the person being supervised; and
(B) evaluate the patient, as necessary.
(2) A supervisor supervising a nonablative cosmetic medical procedure for hair removal shall:
(a) have an unrestricted license to practice medicine or advanced practice registered nursing in the state;

(b) develop the medical treatment plan for the procedure;
(c) conduct a hair removal review, or delegate the hair removal review to a member of delegation group A, of the patient prior to initiating treatment or a series of treatments;
(d) personally perform the nonablative cosmetic medical procedure for hair removal, or authorize and delegate the procedure to a member of delegation group A or B;
(e) during the nonablative cosmetic medical procedure for hair removal provide general cosmetic medical procedure supervision to individuals in delegation group A performing the procedure, except physician assistants, who shall act in accordance with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical procedure supervision to individuals in delegation group B performing the procedure; and
(f) verify that a person to whom the supervisor delegates an evaluation under Subsection (2)(c) or delegates a procedure under Subsection (2)(d):
(i) has received appropriate training regarding the medical procedures developed under Subsection (2)(b);
(ii) has an unrestricted license under this title or is performing under the license of the supervising physician and surgeon; and
(iii) has maintained competence to perform the nonablative cosmetic medical procedure through documented education and experience of at least 80 hours, as further defined by rule, regarding:
(A) the appropriate standard of care for performing nonablative cosmetic medical procedures;
(B) physiology of the skin;
(C) skin typing and analysis;
(D) skin conditions, disorders, and diseases;
(E) pre- and post-procedure care;
(F) infection control;
(G) laser and light physics training;
(H) laser technologies and applications;
(I) safety and maintenance of lasers;
(J) cosmetic medical procedures an individual is permitted to perform under this title;
(K) recognition and appropriate management of complications from a procedure; and
(L) cardiopulmonary resuscitation (CPR).
(3) For a nonablative cosmetic medical procedure other than hair removal under Subsection (2):
(a) a physician who has an unrestricted license to practice medicine, a nurse practitioner who has an unrestricted license for advanced practice registered nursing, or a physician assistant acting in accordance with Chapter 70a, Utah Physician Assistant Act, who has an unrestricted license to practice as a physician assistant, shall:
(i) develop a treatment plan for the nonablative cosmetic medical procedure; and
(ii) conduct an evaluation of the patient either in-person or utilizing a live telemedicine visit before the initiation of a treatment protocol or series of treatments; and
(b) the supervisor supervising the procedure shall:
(i) have an unrestricted license to practice medicine or advanced practice registered nursing;
(ii) personally perform the nonablative cosmetic medical procedure or:
(A) authorize and provide general cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by a registered nurse or a master esthetician; or
(B) authorize and provide supervision as provided in Chapter 70a, Utah Physician Assistant Act, for the nonablative cosmetic medical procedure that is performed by a physician assistant; and

(C) authorize and provide direct cosmetic medical procedure supervision for the nonablative cosmetic medical procedure that is performed by an esthetician or a practical nurse; and

(iii) verify that a person to whom the supervisor delegates a procedure under Subsection (3)(b):

(A) has received appropriate training regarding the medical procedures to be performed;

(B) has an unrestricted license and is acting within the person's scope of practice under this title; and

(C) is qualified under Subsection (2)(f)(iii).

(4) A supervisor performing or supervising a cosmetic medical procedure under Subsection (2) or (3) shall ensure that:

(a) the supervisor's name is prominently posted at the cosmetic medical facility identifying the supervisor;

(b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical facility;

(c) the patient receives written information with the name and licensing information of the supervisor who is supervising the nonablative cosmetic medical procedure and the person who is performing the nonablative cosmetic medical procedure;

(d) the patient is provided with a telephone number that is answered within 24 hours for follow-up communication; and

(e) the cosmetic medical facility's contract with a master esthetician who performs a nonablative cosmetic medical procedure at the facility is kept on the premises of the facility.

(5) Failure to comply with the provisions of this section is unprofessional conduct.

(6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, is not subject to the supervision requirements in this section for a nonablative cosmetic medical procedure for hair removal if the chiropractic physician is acting within the scope of practice of a chiropractic physician and with training specific to nonablative hair removal.

Amended by Chapter 491, 2025 General Session

58-1-507 Cosmetic medical procedure -- Truth in advertising.

Beginning July 1, 2013, a facility that performs a cosmetic medical procedure as defined in Section 58-67-102 may not advertise or hold itself out to the public as a "medical spa," "medical facility," or "medical clinic" unless the facility has an individual on the premises while a cosmetic medical procedure is performed who is licensed under:

(1) Chapter 31b, Nurse Practice Act, as an advanced practice registered nurse, practicing as a nurse practitioner;

(2) Chapter 67, Utah Medical Practice Act; or

(3) Chapter 68, Utah Osteopathic Medical Practice Act.

Enacted by Chapter 362, 2012 General Session

58-1-508 Failure to follow certain health care claims practices -- Penalties.

(1) As used in this section, "health care provider" means an individual who is licensed to provide health care services under this title.

(2) The division may assess a fine of up to $500 per violation against a health care provider that violates Section 31A-26-313.

(3) The division shall waive the fine described in Subsection (2) if:

(a) the health care provider demonstrates to the division that the health care provider mitigated and reversed any damage to the insured caused by the health care provider or third party's violation; or

(b) the insured does not pay the full amount due on the bill that is the subject of the violation, including any interest, fees, costs, and expenses, within 120 days after the day on which the health care provider or third party makes a report to a credit bureau or takes an action in violation of Section 31A-26-313.

Amended by Chapter 353, 2021 General Session

58-1-509 Patient consent for certain medical examinations.

(1) As used in this section:
(a) "Health care provider" means:
(i) an individual who is:
(A) a healthcare provider as defined in Section 78B-3-403; and
(B) licensed under this title;
(ii) emergency medical service personnel as defined in Section 53-2d-101; or
(iii) an individual described in Subsection 58-1-307(1)(b) or (c).
(b) "Patient examination" means a medical examination that requires contact with the patient's sexual organs.
(2) A health care provider may not perform a patient examination on an anesthetized or unconscious patient unless:
(a) the health care provider obtains consent from the patient or the patient's representative in accordance with Subsection (3);
(b) a court orders performance of the patient examination for the collection of evidence;
(c) the performance of the patient examination is within the scope of care for a procedure or diagnostic examination scheduled to be performed on the patient; or
(d) the patient examination is immediately necessary for diagnosis or treatment of the patient.
(3) To obtain consent to perform a patient examination on an anesthetized or unconscious patient, before performing the patient examination, the health care provider shall:
(a) provide the patient or the patient's representative with a written or electronic document that:
(i) is provided separately from any other notice or agreement;
(ii) contains the following heading at the top of the document in not smaller than 18-point bold face type: "CONSENT FOR EXAMINATION OF PELVIC REGION";
(iii) specifies the nature and purpose of the patient examination;
(iv) names one or more primary health care providers whom the patient or the patient's representative may authorize to perform the patient examination;
(v) states whether there may be a student or resident that the patient or the patient's representative authorizes to:
(A) perform an additional patient examination; or
(B) observe or otherwise be present at the patient examination, either in person or through electronic means; and
(vi) provides the patient or the patient's representative with a series of check boxes that allow the patient or the patient's representative to:
(A) consent to the patient examination for diagnosis or treatment and an additional patient examination performed by a student or resident for an educational or training purpose;
(B) consent to the patient examination only for diagnosis or treatment; or
(C) refuse to consent to the patient examination;
(b) obtain the signature of the patient or the patient's representative on the written or electronic document while witnessed by a third party; and
(c) sign the written or electronic document.

Amended by Chapter 310, 2023 General Session
Amended by Chapter 328, 2023 General Session

58-1-510 Anesthesia and sedation requirements -- Unprofessional conduct -- Whistleblower protection.

(1) As used in this section:
(a) "Anesthesia or sedation provider" means an individual who is licensed:
(i) under Chapter 5a, Podiatric Physician Licensing Act;
(ii) under Subsection 58-31b-301(2)(b);
(iii) under Chapter 67, Utah Medical Practice Act;
(iv) under Chapter 68, Utah Osteopathic Medical Practice Act; or
(v) as a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act, and who has obtained the appropriate permit established by the division under Subsection 58-69-301(4).
(b) "Deep sedation" means a drug-induced depression of consciousness where an individual:
(i) cannot be easily aroused;
(ii) responds purposefully following repeated or painful stimulation;
(iii) may not be able to independently maintain ventilatory function;
(iv) may require assistance in maintaining a patent airway; and
(v) usually maintains cardiovascular function.
(c) "General anesthesia" means a drug-induced loss of consciousness where an individual:
(i) cannot be aroused, even by painful stimulation;
(ii) is often unable to maintain ventilatory function;
(iii) often requires assistance in maintaining a patent airway and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and
(iv) may not be able to maintain cardiovascular function.
(d) "General anesthetic" means a drug identified as a general anesthetic by the federal Food and Drug Administration.
(e) "Minimal sedation" means a drug-induced state where an individual:
(i) responds normally to verbal commands;
(ii) may have reduced cognitive function and physical coordination; and
(iii) maintains airway reflexes, ventilatory function, and cardiovascular function.
(f) "Moderate sedation" means a drug-induced depression of consciousness where an individual:
(i) responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation;
(ii) maintains a patent airway;
(iii) maintains spontaneous ventilation; and
(iv) usually maintains cardiovascular function.
(2) An anesthesia or sedation provider may not cause a patient to undergo moderate sedation, deep sedation, or general anesthesia, in an outpatient setting that is not an emergency department without:
(a) first providing the following information in writing and verbally:
(i) the level of anesthesia or sedation being administered;
(ii) the identity, type of license, and training of the provider who is performing the procedure for which the anesthesia or sedation will be administered;

(iii) the identity, type of license, and a description of the training described in Subsection (4) of the anesthesia or sedation provider who will be administering the anesthesia or sedation; and

(iv) a description of the monitoring that will occur during the sedation or anesthesia, including descriptions related to the monitoring of the patient's oxygenation, ventilation, and circulation;

(b) after complying with Subsection (2)(a), obtaining the patient's written and verbal consent regarding the procedure;

(c) having the training described in Subsection (4);

(d) directly supervising the patient;

(e) if the patient is a minor, having a current pediatric advanced life support certification;

(f) if the patient is an adult, having a current advanced cardiovascular life support certification or perioperative resuscitation and life support certification;

(g)

(i) having at least one individual in the procedure room who has advanced airway training and the knowledge and skills to recognize and treat airway complications and rescue a patient who entered a deeper than intended level of sedation; or

(ii) if the anesthesia or sedation provider is administering ketamine for a non-anesthetic purpose, having at least one individual on site and available who has advanced airway training and the knowledge and skills to recognize and treat airway complications and rescue a patient who entered a deeper than intended level of sedation;

(h) having access during the procedure to an advanced cardiac life support crash cart in the office with equipment that:

(i) is regularly maintained according to guidelines established by the American Heart Association; and

(ii) includes:

(A) a defibrillator;

(B) administrable oxygen;

(C) age appropriate airway equipment;

(D) positive pressure ventilation equipment; and

(E) unexpired emergency and reversal medications including naloxone for opioid sedation and flumazenil for benzodiazepine sedation;

(i) using monitors that meet basic standards set by the American Society of Anesthesiologists and continually monitoring ventilatory function with capnography unless precluded or invalidated by the nature of the patient, procedure, or equipment; and

(j) entering appropriate information into the patient's chart or medical record, which shall include:

(i) the patient's name;

(ii) the route and site the anesthesia or sedation was administered;

(iii) the time of anesthesia or sedation administration and the dosage;

(iv) the patient's periodic vital signs during the procedure; and

(v) the name of the individual who monitored the patient's oxygenation and ventilation.

(3)

(a) An anesthesia or sedation provider who violates Subsection (2) or a rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section commits unprofessional conduct.

(b) An individual commits unprofessional conduct if the individual administers anesthesia or sedation for which the individual is not appropriately trained.

(4)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to create training and safety standards regarding the inducing of general anesthesia, deep sedation, and moderate sedation:
(i) for each license described in Subsection (1)(a);
(ii) that are based on standards created by nationally recognized organizations, such as the American Society of Anesthesiologists, the American Dental Association, or the American Association of Oral and Maxillofacial Surgeons; and
(iii) that include safety standards for general anesthetic use that are consistent with federal Food and Drug Administration guidance.
(b) For making rules described in Subsection (4)(a), the division shall consult with the applicable licensing boards and a board described in Sections 58-67-201, and 58-69-201.
(5) The requirements of Subsection (2) do not apply to the practice of inducing minimal sedation.
(6) An employer may not take an adverse employment action against an employee if:
(a) the employee notifies the division of:
(i) a violation of this section; or
(ii) a violation of a rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section; and
(b) the employment action is based on the individual notifying the division of the violation.

Amended by Chapter 96, 2026 General Session

58-1-511 Prohibition on providing conversion therapy to a minor.
(1) As used in this section:
(a) "Conversion therapy" means a practice or treatment by which a health care professional intends to change a minor client's sexual orientation or gender identity, or to impose a different sexual orientation or gender identity upon a minor client, including a practice or treatment that:
(i) subjects a minor client to physical discomfort through aversive treatment that causes nausea, vomiting, or other unpleasant physical sensation;
(ii) provides electric shock or other electrical therapy, including electroconvulsive therapy or transcranial magnetic stimulation;
(iii) subjects a minor client to touching themself or another individual as part of the therapy; or
(iv) causes the minor client to engage in physical self-harm or physical self-inflicted pain.
(b) "Health care professional" means an individual who is licensed, or an individual who provides mental health therapy as part of the individual's training for a profession that is licensed, under:
(i) Chapter 31b, Nurse Practice Act;
(ii) Chapter 60, Mental Health Professional Practice Act;
(iii) Chapter 61, Psychologist Licensing Act;
(iv) Chapter 67, Utah Medical Practice Act;
(v) Chapter 68, Utah Osteopathic Medical Practice Act; or
(vi) Chapter 70a, Utah Physician Assistant Act.
(c) "Minor client" means an individual who is younger than 18 years old and who consults, is examined or interviewed by, or receives services, care, or treatment from a health care professional who is acting in their professional capacity.
(d) "Religious advisor" means an individual who is designated by a religious organization or association as clergy, minister, pastor, priest, rabbi, imam, bishop, stake president, or other spiritual advisor.

(e)
(i) "Sexual orientation" means the same as that term is defined in Section 34A-5-102.
(ii) "Sexual orientation" does not include an action that would constitute sexual abuse or sexual exploitation as those terms are defined in Section 80-1-102.
(2) A health care professional who is acting in their professional capacity may not provide conversion therapy to a minor client.
(3) A health care professional who is not intending to change a minor client's sexual orientation or gender identity, or to impose a different sexual orientation or gender identity upon a minor client, may engage in any professional and lawful conduct, including a practice or treatment by which the health care professional:
(a) is neutral with respect to sexual orientation and gender identity;
(b) provides a minor client with acceptance, support, and understanding;
(c) provides treatment to a minor client who is considering a gender transition in any direction, including exploration of the timing thereof;
(d) facilitates a minor client's social support, ability to cope, or the exploration and development of the minor client's identity, including sexual orientation or gender identity;
(e) addresses unlawful, unsafe, premarital, or extramarital sexual activities in a manner that is neutral with respect to sexual orientation and gender identity;
(f) discusses moral, philosophical, or religious beliefs or practices;
(g) addresses body-image issues, social pressure, or sex or gender stereotypes;
(h) addresses co-occurring mental health, neurological, developmental, trauma, or family issues;
(i) helps a minor client to understand and assess the stages and timing of identity development;
(j) consistent with other applicable laws, rules, orders, and ethical standards, discusses with a minor client's parent or guardian the mental health or development of a minor client; or
(k) assists the minor client to understand the medical, social, or other implications of decisions related to sexual orientation or gender identity.
(4) Subsection (2) does not apply to:
(a) an individual who is both a health care professional and a religious advisor, when the individual is acting substantially in the capacity of a religious advisor and not in the capacity of a health care professional; or
(b) an individual who is both a health care professional and a parent or grandparent, when the individual is acting substantially in the capacity of a parent or grandparent and not in the capacity of a health care professional.
(5) A violation of this section is unprofessional conduct.
(6) A rule adopted under this title that defines "unprofessional conduct" shall be consistent with this section.
(7) If any provision of this section or the application of any provision to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Enacted by Chapter 463, 2023 General Session

58-1-512 Stem cell disclosure.
(1) As used in this section:
(a) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(b) "Human cells, tissues, or cellular or tissue-based products" has the same meaning as in 21 C.F.R. Sec. 1271.3 as it exists on May 1, 2024.

(c)
(i) "Stem cell therapy" means a treatment involving the use of afterbirth placental perinatal stem cells or human cells, tissues, or cellular or tissue-based products.
(ii) "Stem cell therapy" does not include treatment or research using human cells or tissues that were derived from a fetus or embryo after an abortion.

(2)
(a) A health care provider whose scope of practice includes the use of stem cell therapy may perform a stem cell therapy that is not approved by the United States Food and Drug Administration, if the health care provider provides the patient with the following written notice before performing the therapy:

"THIS NOTICE MUST BE PROVIDED TO YOU UNDER UTAH LAW. This health care practitioner performs one or more stem cell therapies that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing a stem cell therapy."

(b) A person may supply or provide human cells, tissues, or cellular or tissue-based products to a health care provider if:
(i) the health care provider's scope of practice includes the use of stem cell therapy; and
(ii) prior to supplying or providing the human cells, tissues, or cellular or tissue-based products to the health care provider, the health care provider provides to the person a written confirmation that the health care provider will provide the notice under Subsection (2)(a) to each of the health care provider's patients whose stem cell therapy will utilize the human cells, tissues, or cellular or tissue-based products.

(3)
(a) The written notice described in Subsection (2) shall be:
(i) on paper that is at least eight and one-half inches by eleven inches; and
(ii) written in no less than forty point type.
(b) The health care provider shall prominently display the written notice in the entrance and in an area visible to patients in the health care provider's office.

(4)
(a) A health care provider who is required to provide written notice under Subsection (2) shall obtain a signed consent form before performing the therapy.
(b) The consent form shall:
(i) be signed by the patient, or, if the patient is legally not competent, the patient's representative; and
(ii) state, in language the patient could reasonably be expected to understand:
(A) the nature and character of the proposed treatment, including the treatment's United States Food and Drug Administration approval status;
(B) the anticipated results of the proposed treatment;
(C) the recognized possible alternative forms of treatment; and
(D) the recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

(5)
(a) A health care provider described in Subsection (2) shall include the notice described in Subsection (2) in any advertisement for the stem cell therapy.
(b) In a print advertisement, the notice shall be clearly legible, in a font size no smaller than the largest font size used in the advertisement.
(c) In any other advertisement, the notice shall be:

(i) clearly legible in a font size no smaller than the largest font size used in the advertisement; or
(ii) clearly spoken.
(6) This section does not apply to:
(a) a health care provider who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products; or
(b) a health care provider who performs a stem cell therapy under an employment or other contract on behalf of an institution certified by any of the following:
(i) the Foundation for the Accreditation of Cellular Therapy;
(ii) the Blood and Marrow Transplant Clinical Trials Network;
(iii) the Association for the Advancement of Blood and Biotherapies; or
(iv) an entity with expertise regarding stem cell therapy as determined by the division.
(7) A violation of this section is unprofessional conduct.

Amended by Chapter 87, 2026 General Session

58-1-513 Recommending medical provider cannabis advertisement -- Payment restriction -- Unprofessional conduct.
(1) As used in this section:
(a) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
(b) "Targeted marketing" means the same as that term is defined in Section 26B-4-201.
(2)
(a) Except as provided in Subsections (2)(b) and (c), a person may not advertise that the person or the person's employee recommends a medical cannabis treatment.
(b) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider may advertise only the following:
(i) a green cross;
(ii) the provider's or clinic's name and logo;
(iii) a qualifying condition that the individual treats;
(iv) that the recommending medical provider, medical clinic, or medical office evaluates patients for medical cannabis recommendations;
(v) a scientific study regarding medical cannabis use; or
(vi) contact information.
(c) Notwithstanding Subsection (2)(a) and Section 4-41a-109, a recommending medical provider, medical clinic, or medical office that employs a recommending medical provider may engage in targeted marketing, as determined by the Department of Health and Human Services through rule, for advertising medical cannabis recommendation services.
(3)
(a) A recommending medical provider may not:
(i) receive any compensation or benefit for the recommending medical provider's medical cannabis treatment recommendation from:
(A) a cannabis production establishment or an owner, officer, director, board member, employee, or agent of a cannabis production establishment;
(B) a medical cannabis pharmacy or an owner, officer, director, board member, employee, or agent of a medical cannabis pharmacy; or

(C) a recommending medical provider or pharmacy medical provider; or
(ii) provide a medical cannabis recommendation at a medical clinic or medical office that is violating the advertising limitations described in Subsection (2).
(b) A violation of Subsection (3)(a) is unprofessional conduct.

Enacted by Chapter 392, 2025 General Session

Part 6
Unique Training and Certification for Health Care Providers

58-1-601 Suicide prevention video -- Primary care providers.
(1) As used in this section:
(a) "Nurse practitioner" means an individual who is licensed to practice as an advanced practice registered nurse under Chapter 31b, Nurse Practice Act.
(b) "Physician" means an individual licensed to practice as a physician or osteopath under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act.
(c) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 70a, Utah Physician Assistant Act.
(d) "Primary care provider" means a nurse practitioner, physician, or physician assistant.
(2) The division, in conjunction with the Division of Integrated Healthcare created in Section 26B-1-204, shall:
(a) create a series of suicide prevention videos that:
(i) are web-accessible;
(ii) are each no longer than 20 minutes in length; and
(iii) include information about:
(A) individuals at-risk for suicide; and
(B) suicide prevention and intervention; and
(b) provide, on the division's website, educational materials or courses that relate to suicide prevention that a primary care provider may complete at no cost and apply toward continuing competency requirements required by division rule.
(3) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish procedures for:
(a) producing the suicide prevention videos described in Subsection (2); and
(b) providing access to the videos to each primary care provider.

Amended by Chapter 255, 2022 General Session

58-1-602 Auricular detoxification certification.
(1) As used in this section:
(a) "Health care provider" means an individual who is licensed under:
(i) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), (2)(d), (2)(f), or (2)(g);
(ii) Chapter 60, Mental Health Professional Practice Act;
(iii) Chapter 61, Part 3, Licensing; or
(iv) Chapter 70a, Utah Physician Assistant Act.
(b)
(i) "NADA protocol" means:

(A) a protocol developed by the National Acupuncture Detoxification Association; and
(B) an adjunctive therapy using one to five invariant ear acupuncture or acupressure points for the adjunctive treatment and prevention of substance use disorders or to provide support for individuals who have experienced physical or emotional trauma.
(ii) "NADA protocol" does not include the stimulation of other auricular or distal acupuncture points.
(2) A health care provider may perform the NADA protocol if the health care provider:
(a) obtains a certification from the National Acupuncture Detoxification Association to perform the NADA protocol; and
(b) provides the division proof of obtaining the certification.
(3) A health care provider may perform a protocol substantially similar to the NADA protocol if:
(a) the division has determined the protocol is substantially similar to the NADA protocol; and
(b) the individual has met each requirement the division has created to perform the protocol.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for implementing Subsection (3).

Amended by Chapter 96, 2026 General Session

58-1-603 Hormonal transgender treatment on minors -- Requirements.
(1) As used in this section:
(a) "Approved organization" means an organization with expertise regarding transgender health care for minors that is approved by the division.
(b) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and endogenous hormone profiles.
(c) "Disorder of sexual development" means a sexual development disorder where an individual:
(i) is born with external biological sex characteristics that are irresolvably ambiguous;
(ii) is born with 46, XX chromosomes with virilization;
(iii) is born with 46, XY chromosomes with undervirilization;
(iv) has both ovarian and testicular tissue; or
(v) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:
(A) sex chromosome structure;
(B) sex steroid hormone production; or
(C) sex steroid hormone action for a male or female.
(d) "Health care provider" means:
(i) a physician;
(ii) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act; or
(iii) an advanced practice registered nurse licensed under Subsections 58-31b-301(2)(a) through (c).
(e)
(i) "Hormonal transgender treatment" means administering, prescribing, or supplying for effectuating or facilitating an individual's attempted sex change:
(A) to an individual whose biological sex at birth is female, a dose of testosterone or other androgens at levels above those normally found in an individual whose biological sex at birth is female;
(B) to an individual whose biological sex at birth is male, a dose of estrogen or a synthetic compound with estrogenic activity or effect at levels above those normally found in an individual whose biological sex at birth is male; or

(C) a puberty inhibition drug.

(ii) "Hormonal transgender treatment" does not include administering, prescribing, or supplying a substance described in Subsection (1)(e)(i) to an individual if the treatment is medically necessary as a treatment for:

(A) precocious puberty;

(B) endometriosis;

(C) a menstrual, ovarian, or uterine disorder;

(D) a sex-hormone stimulated cancer; or

(E) a disorder of sexual development.

(f) "Mental health professional" means any of the following:

(i) a physician who is board certified for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(ii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;

(iii) a clinical social worker licensed under Chapter 60, Part 2, Social Worker Licensing Act;

(iv) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or

(v) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act.

(g) "Minor" means an individual who is less than 18 years old.

(h) "Physician" means an individual licensed under:

(i) Chapter 67, Utah Medical Practice Act; or

(ii) Chapter 68, Utah Osteopathic Medical Practice Act.

(i) "Puberty inhibition drug" means any of the following alone or in combination with aromatase inhibitors:

(i) gonadotropin-releasing hormone agonists; or

(ii) androgen receptor inhibitors.

(j) "Transgender treatment certification" means a certification described in Subsection (2).

(2)

(a) The division shall create a transgender treatment certification on or before July 1, 2023.

(b) The division may issue the transgender treatment certification to an individual if the individual:

(i) is a health care provider or a mental health professional; and

(ii) has completed at least 40 hours of education related to transgender health care for minors from an approved organization.

(c) The division may renew a transgender treatment certification:

(i) at the time an individual renews the individual's license; and

(ii) if the individual has completed at least 20 hours of continuing education related to transgender health care for minors from an approved organization during the individual's continuing education cycle.

(d) Beginning January 1, 2024, providing a hormonal transgender treatment to a minor without a transgender treatment certification is unprofessional conduct.

(3)

(a) A health care provider may provide a hormonal transgender treatment to a minor only if the health care provider has been treating the minor for gender dysphoria for at least six months.

(b) Beginning July 1, 2023, before providing a hormonal transgender treatment to a minor described in Subsection (3)(a), a health care provider shall:

(i) determine if the minor has other physical or mental health conditions, identify and document any condition, and consider whether treating those conditions before treating the gender dysphoria would provide the minor the best long-term outcome;
(ii) consider whether an alternative medical treatment or behavioral intervention to treat the minor's gender dysphoria would provide the minor the best long-term outcome;
(iii) document in the medical record that:
(A) the health care provider has complied with Subsections (3)(b)(i) and (ii); and
(B) providing the hormonal transgender treatment will likely result in the best long-term outcome for the minor;
(iv) obtain written consent from:
(A) the minor; and
(B) the minor's parent or guardian unless the minor is emancipated;
(v) discuss with the minor:
(A) the risks of the hormonal transgender treatment;
(B) the minor's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor; and
(C) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsection (3)(b)(v)(B);
(vi) unless the minor is emancipated, discuss with the minor's parent or guardian:
(A) the risks of the hormonal transgender treatment;
(B) the minor's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor;
(C) the parent or guardian's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor; and
(D) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsections (3)(b)(vi)(B) and (C);
(vii) document in the medical record that the health care provider has provided the information described in Subsections (3)(b)(viii) and (ix);
(viii) provide the minor the following information if providing the minor a puberty inhibition drug:
(A) puberty inhibition drugs are not approved by the FDA for the treatment of gender dysphoria;
(B) possible adverse outcomes of puberty blockers are known to include diminished bone density, pseudotumor cerebri and long term adult sexual dysfunction;
(C) research on the long-term risks to children of prolonged treatment with puberty blockers for the treatment of gender dysphoria has not yet occurred; and
(D) the full effects of puberty blockers on brain development and cognition are unknown;
(ix) provide the minor the following information if providing a cross-sex hormone as described in Subsection (1)(e)(i)(A) or (B):
(A) the use of cross-sex hormones in males is associated with risks that include blood clots, gallstones, coronary artery disease, heart attacks, tumors of the pituitary gland, strokes, elevated levels of triglycerides in the blood, breast cancer, and irreversible infertility; and
(B) the use of cross-sex hormones in females is associated with risks of erythrocytosis, severe liver dysfunction, coronary artery disease, hypertension, and increased risk of breast and uterine cancers; and
(x) upon the completion of any relevant information privacy release, obtain a mental health evaluation of the minor as described in Subsection (4).
(4) The mental health evaluation shall:
(a) be performed by a mental health professional who:

(i) beginning January 1, 2024, has a current transgender treatment certification; and
(ii) is not the health care provider that is recommending or providing the hormonal transgender treatment;
(b) contain a determination regarding whether the minor suffers from gender dysphoria in accordance with the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders;
(c) confirm that the minor and the mental health professional have had at least three therapy sessions; and
(d) document all of the minor's mental health diagnoses and any significant life events that may be contributing to the diagnoses.
(5) A violation of Subsection (3) is unprofessional conduct.

Amended by Chapter 96, 2026 General Session

58-1-603.1 Hormonal transgender treatment prohibition for minors.
(1) As used in this section:
(a) "Cross-sex hormone treatment" means administering, prescribing, or supplying for effectuating or facilitating an individual's attempted sex change:
(i) to an individual whose biological sex at birth is female, a dose of testosterone or other androgens at levels above those normally found in an individual whose biological sex at birth is female; or
(ii) to an individual whose biological sex at birth is male, a dose of estrogen or a synthetic compound with estrogenic activity or effect at levels above those normally found in an individual whose biological sex at birth is male.
(b) "Health care provider" means the same as that term is defined in Section 58-1-603.
(c) "Hormonal transgender treatment" means the same as that term is defined in Section 58-1-603.
(d) "Minor" means the same as that term is defined in Section 58-1-603.
(2) Subject to Subsection (3), a health care provider may not provide a hormonal transgender treatment to a patient who:
(a) is a minor; and
(b) is not diagnosed with gender dysphoria before January 28, 2023.
(3) Notwithstanding Subsection 58-1-603(3)(a), beginning on January 28, 2027, a health care provider may not provide a hormonal transgender treatment to a patient who is a minor if the patient:
(a) would be younger than 16 years old as of March 18, 2026; or
(b) has not received cross-sex hormones as of March 18, 2026.
(4) A health care provider who provides hormonal transgender treatment to a minor for the purpose of discontinuing treatment before January 28, 2027, may provide the treatment without obtaining a transgender treatment certification described in Section 58-1-603.
(5) A violation of Subsection (2) or (3) is unprofessional conduct.

Amended by Chapter 109, 2026 General Session

58-1-604 Invisible condition alert program information -- Health care professionals.
(1) As used in this section:
(a) "Health care professional" means the same as that term is defined in Section 53-3-207.
(b) "Invisible condition" means the same as that term is defined in Section 53-3-207.

(c) "Invisible condition alert program" means the same as that term is defined in Section 53-27-101.
(2) The division, in conjunction with the Department of Health and Human Services created in Section 26B-1-201, shall provide information to each health care professional in the state regarding the invisible condition alert program, including:
(a) access to informational materials described in Section 26B-7-120 that health care professionals shall make available to patients; and
(b) access to educational materials for health care professionals regarding the invisible condition alert program.
(3) A health care professional in this state shall make available to the health care professional's patients the informational materials described in Subsection (2)(a).
(4) The division may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish procedures for implementing this section.

Enacted by Chapter 456, 2023 General Session

58-1-605 Required bereavement training.
(1)
(a) The division, in collaboration with the Department of Health and Human Services, shall develop an optional training to educate health care providers on best practices for supporting patients and families experiencing pregnancy or infant loss.
(b) The training shall be for providers, but may incorporate rules and procedures relating to pregnancy and infant loss for health care facilities described in Section 26B-2-247.
(2) The division shall establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that allow licensed health care professionals that work in emergency care, obstetrics and gynecology, and labor and delivery settings to take the bereavement training and have the training apply to the health care professional's continuing medical education credit requirements.

Enacted by Chapter 162, 2026 General Session

Chapter 3a
Architects Licensing Act

Part 1
General Provisions

58-3a-101 Title.
This chapter is known as the "Architects Licensing Act."

Enacted by Chapter 260, 1996 General Session

58-3a-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Architect" means a person licensed under this chapter as an architect.

(2) "Board" means the Architects and Landscape Architects Licensing Board created in Section 58-3a-201.
(3) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
(4) "Complete construction plans" means a final set of plans and specifications for a building that normally includes:
(a) floor plans;
(b) elevations;
(c) site plans;
(d) foundation, structural, and framing detail;
(e) electrical, mechanical, and plumbing design;
(f) information required by the energy code;
(g) specifications and related calculations as appropriate; and
(h) all other documents required to obtain a building permit.
(5) "Fund" means the Architects Education and Enforcement Fund created in Section 58-3a-103.
(6)
(a) "Practice of architecture" means rendering or offering to render the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings:
(i) planning;
(ii) facility programming;
(iii) preliminary studies;
(iv) preparation of designs, drawings, and specifications;
(v) preparation of technical submissions and coordination of any element of technical submissions prepared by others including, as appropriate and without limitation, professional engineers, and landscape architects; and
(vi) administration of construction contracts.
(b) "Practice of architecture" does not include the practice of professional engineering as defined in Section 58-22-102, but a licensed architect may perform such professional engineering work as is incidental to the practice of architecture.
(7) "Principal" means a licensed architect having responsible charge of an organization's architectural practice.
(8) "Supervision of an employee, subordinate, associate, or drafter of an architect" means that a licensed architect is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee, subordinate, associate, or drafter under the direction of the architect, and may be further defined by rule by the division in collaboration with the board.
(9) "Unlawful conduct" as defined in Section 58-1-501 is further defined in Section 58-3a-501.
(10) "Unprofessional conduct" as defined in Section 58-1-501 may be further defined by rule by the division in collaboration with the board.

Amended by Chapter 507, 2024 General Session

58-3a-103 Education and enforcement fund.
(1) There is created an expendable special revenue fund known as the "Architects Education and Enforcement Fund."

(2) The fund consists of money from:
  (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this chapter in accordance with the following:
    (i) the surcharge fee shall be determined by the department in accordance with Section 63J-1-504; and
    (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or reinstatement licensure fee; and
  (b) administrative penalties collected pursuant to this chapter.
(3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
  (a) education and training of licensees under this chapter;
  (b) education and training of the public or other interested persons in matters concerning architectural laws and practices; and
  (c) enforcement of this chapter by:
    (i) investigating unprofessional or unlawful conduct; and
    (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
(5) If the balance in the fund exceeds $100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
(6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 400, 2013 General Session

58-3a-105 Surcharge fee.
(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a $1 surcharge fee.
(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Amended by Chapter 339, 2020 General Session

Part 2
Board

58-3a-201 Board.
(1) There is created the Architects and Landscape Architects Licensing Board consisting of:
  (a) four architects;
  (b) two landscape architects; and
  (c) one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 53, Landscape Architects Licensing Act.
(4) The board shall designate one of the board's members on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 53, Landscape Architects Licensing Act;
(b) advise the division in the division's investigation of these complaints; and
(c) assist the division to maintain multiple methods to obtain licensure by rule.
(5) A board member who has, under Subsection (4), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
(6) The board shall maintain at least two pathways for licensure.

Amended by Chapter 213, 2025 General Session

Part 3
Licensing

58-3a-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of architecture, except as specifically provided in Section 58-3a-304 or 58-1-307.
(2) The division shall issue a license in the classification of architect to a person who qualifies under this chapter.

Enacted by Chapter 260, 1996 General Session

58-3a-302 Qualifications for licensure.

(1) Except as provided in Subsection (2), each applicant for licensure as an architect shall:
(a) submit an application in a form approved by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) hold, at a minimum, a bachelor's degree from an architecture program meeting criteria established by rule by the division in collaboration with the board;
(d) have successfully completed a program of diversified practical experience established by rule by the division in collaboration with the board;
(e) have successfully passed examinations established by rule by the division in collaboration with the board; and
(f) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualifications for license.
(2) Each applicant for licensure as an architect by endorsement shall:
(a) submit an application in a form approved by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) submit satisfactory evidence of:
(i)
(A) current licensure in good standing in a jurisdiction recognized by rule by the division in collaboration with the board; and
(B) current certification from the National Council of Architectural Registration Boards; or
(ii)

(A) current license in good standing in a jurisdiction recognized by rule by the division in collaboration with the board; and
(B) full-time employment as a licensed architect as a principal for at least five of the last seven years immediately preceding the date of the application;
(d) have successfully passed an examination established by rule by the division in collaboration with the board; and
(e) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualifications for license.

Amended by Chapter 213, 2025 General Session

58-3a-303 Term of license -- Expiration -- Renewal.
(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Enacted by Chapter 260, 1996 General Session

58-3a-303.5 Continuing education.
(1) As a condition for renewal of a license under this chapter, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete continuing professional education in accordance with standards defined by rule.
(2) If a renewal period is extended or shortened under Section 58-3a-303, the division shall proportionately increase or decrease the continuing education hours required for licensure renewal under this section.

Amended by Chapter 111, 2012 General Session

58-3a-304 Exemptions from licensure.
(1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated limited acts or practices without being licensed under this chapter:
(a) a person offering to render architectural services in this state when not licensed under this chapter if the person:
(i) holds a current and valid architect license issued by a licensing authority recognized by rule by the division in collaboration with the board;
(ii) discloses in writing to the potential client the fact that the architect:
(A) is not licensed in the state;
(B) may not provide architectural services in the state until the architect is licensed in the state; and
(C) that such condition may cause a delay in the ability of the architect to provide architectural services in the state;
(iii) notifies the division in writing of the person's intent to offer to render architectural services in the state; and
(iv) does not provide architectural services or engage in the practice of architecture in this state until licensed to do so;

(b) a person preparing a plan and specification for one or two-family dwellings, including townhouses;
(c) a person licensed to practice professional engineering under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, performing engineering or incidental architectural acts or practices that do not exceed the scope of the education and training of the person performing architecture;
(d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans and specifications under the supervision of an architect;
(e) a person preparing a plan or specification for, or supervising the alteration of or repair to, an existing building affecting an area not exceeding 3,000 square feet when structural elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses; and
(f) an organization engaged in the practice of architecture, provided that:
(i) the organization employs a principal; and
(ii) all individuals the organization employs, who are engaged in the practice of architecture, are licensed or exempt from licensure under this chapter.
(2) Nothing in this section shall be construed to restrict a person from preparing plans for a client under the exemption provided in Subsection (1)(b) or taking those plans to a licensed architect for review, approval, and subsequent fixing of the architect's seal to that set of plans.

Amended by Chapter 64, 2026 General Session

Part 4
License Denial and Discipline

58-3a-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, assessing an administrative penalty, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 260, 1996 General Session

Part 5
Unlawful Conduct - Penalties

58-3a-501 Unlawful conduct.

"Unlawful conduct" includes:
(1) except as provided in Subsection 58-3a-304(1), using the title "architect" or any other words, letters, or abbreviations indicating that the person using them is an architect if the person has not been licensed under this chapter, except as provided in Subsection 58-3a-304(1); or
(2) engaging in or representing itself as engaging in the practice of architecture as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure under Section 58-1-307 or 58-3a-304.

(3) Using derivations of the word architecture is not a violation when describing services or work within the practice of architecture as defined by Section 58-3a-102 and as authorized in Section 58-3a-304.

Amended by Chapter 206, 2025 General Session

58-3a-502 Penalty for unlawful conduct.

(1)

(a) If upon inspection or investigation, the division concludes that a person has violated Subsections 58-1-501(1)(a) through (d) or Section 58-3a-501 or any rule or order issued with respect to Section 58-3a-501, and that disciplinary action is appropriate, the director or the director's designee from within the division for each alternative respectively, shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-3a-501 or any rule or order issued with respect to Section 58-3a-501, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section 58-3a-501 or any rule or order issued with respect to this section.

(ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-3a-401 may not be assessed through a citation.

(b) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

(c) The division may issue a notice in lieu of a citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.

(e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(i) The director or the director's designee shall assess fines according to the following:

(i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to $1,000;
(ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to $2,000; and
(iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to $2,000 for each day of continued offense.

(2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.

(3)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Part 6
Practice Standards

58-3a-601 Seal -- Design and implementation.

Every architect shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

Enacted by Chapter 260, 1996 General Session

58-3a-602 Plans and specifications to be sealed.

(1) Any final plan and specification of a building erected in this state shall bear the seal of an architect licensed under this chapter, except as provided in Section 58-3a-304, in Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, and by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) Any final plan and specification of a building prepared by or under the supervision of the licensed architect shall bear the seal of the architect when submitted to a client, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-3a-304.

Amended by Chapter 14, 2011 General Session

58-3a-603 Seal -- Authorized use.

An architect may only affix the architect's seal to a plan and a specification when the plan and the specification:

(1) was personally prepared by the architect;
(2) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing the seal assumes responsibility;
(3) was prepared by a licensed architect, professional engineer, or professional structural engineer in this state or any other state provided:
  (a) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
  (b) makes any necessary corrections before submitting the final plan and specification:
    (i) to a building official for the purpose of obtaining a building permit; or
    (ii) to a client who has contracted with an architect for the design of a building, when the architect represents, or could reasonably expect the client to consider, the plans and a specification to be complete and final;
(4) was prepared in part by a licensed architect, professional engineer, or professional structural engineer in this state or any other state provided:
  (a) the licensee in this state clearly identifies that portion of the plans and specification for which the licensee is responsible;
  (b) the licensee in this state affixing the seal performs a thorough review of that portion of the plan and specification for which the licensee is responsible for compliance with the standards of the profession; and
  (c) makes any necessary corrections before submitting the final plan and specification for which the licensee is responsible:
    (i) to a building official for the purpose of obtaining a building permit; or
    (ii) to a client who has contracted with an architect for the design of a building, when the architect represents, or could reasonably expect the client to consider, the plans and specifications to be complete and final;
(5) was prepared by a person exempt from licensure as an architect, professional engineer, or professional structural engineer provided that:
  (a) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
  (b) makes any necessary corrections before submitting the final plan and specification:
    (i) to a building official for the purpose of obtaining a building permit; or
    (ii) to a client who has contracted with an architect for the design of a building, when the architect represents, or could reasonably expect the client to consider, the plan and specification to be complete and final; or
(6) meet any additional requirements established by rule by the division in collaboration with the board.

Amended by Chapter 302, 2025 General Session

Chapter 4a
Utah Professionals Health Program

58-4a-101 Title.

This chapter is known as the "Utah Professionals Health Program."

Enacted by Chapter 107, 2020 General Session

58-4a-102 Definitions.

As used in this chapter:

(1) "Diversion agreement" means a written agreement entered into by a licensee and the division that describes the requirements of the licensee's monitoring regimen and that was entered into before May 12, 2020.

(2) "Licensee" means an individual licensed to practice:

(a) under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) under Title 58, Chapter 17b, Pharmacy Practice Act;

(c) under Title 58, Chapter 28, Veterinary Practice Act;

(d) under Title 58, Chapter 31b, Nurse Practice Act;

(e) mental health therapy under Title 58, Chapter 60, Mental Health Professional Practice Act;

(f) mental health therapy under Title 58, Chapter 61, Psychologist Licensing Act;

(g) under Title 58, Chapter 67, Utah Medical Practice Act;

(h) under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(i) under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; or

(j) under Title 58, Chapter 70a, Utah Physician Assistant Act.

(3) "Program" means the Utah Professionals Health Program.

(4) "Program contract" means a written agreement entered into by a licensee and the division that allows the licensee to participate in the program.

(5) "Substance use disorder" means the same as that term is defined in Section 26B-5-501.

Amended by Chapter 420, 2024 General Session

58-4a-103 Program established.

(1) The division, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall establish the Utah Professionals Health Program to provide an alternative to public disciplinary action for licensees who have substance use disorders.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the criteria for:

(a) entry into and participation of licensees in the program;

(b) successful completion of the program;

(c) expulsion from the program; and

(d) disqualifying a licensee from participation in the program.

(3) The division shall promote the program by:

(a) engaging in wellness education and outreach to licensees, students, and the community in order to make them aware of the existence and purpose of the program;

(b) partnering with health care organizations, universities, trade associations, and other stakeholder groups to promote professional awareness and wellness; and

(c) providing guidance to employers, colleagues, and family members on initiating conversations with licensees about substance use.

Enacted by Chapter 107, 2020 General Session

58-4a-104 Committees.

(1) In accordance with Section 58-1-203, the division shall establish an executive advisory committee consisting of nine members as follows:

(a) the executive director of the Department of Commerce, or the designee of the executive director of the Department of Commerce, who shall serve as chair;
(b) the director of the Division of Substance Abuse and Mental Health or the director's designee; and
(c) the following members appointed by the director of the division:
(i) one member of the public; and
(ii) six licensees.
(2) The executive advisory committee shall:
(a) advise the division and make recommendations to the division on policy;
(b) serve without compensation, travel costs, or per diem for their services; and
(c) perform other duties as directed by the division.
(3) Members of the executive advisory committee are immune from civil liability for any actions or judgments made in the execution of duties performed in service of the executive committee.
(4) In accordance with Section 58-1-203, the director shall establish and appoint members of a clinical advisory committee consisting of community members who have expert knowledge in the diagnosis and treatment of substance use disorders.
(5) The clinical advisory committee shall:
(a) advise the division and make recommendations to the division on actions regarding specific program contracts;
(b) perform duties as assigned by the division; and
(c) serve without compensation, travel costs, or per diem for their services.
(6) The committees described in Subsections (1) and (4) and the division may seek input from other licensing boards.

Enacted by Chapter 107, 2020 General Session

58-4a-105 Program contract.
(1) A licensee may enter into a program contract:
(a) any time before the conclusion of a hearing under Section 63G-4-206; and
(b) if the licensee who enters into the program contract has a substance use disorder or the division has referred the licensee for diagnostic monitoring.
(2) A licensee may enter into a program contract to replace a diversion agreement the licensee previously entered into with the department.
(3) A licensee may not enter into a program contract with the division unless the licensee has a substance use disorder or the division has referred the licensee for diagnostic monitoring.
(4) The committees described in Section 58-4a-104 may assist the division in evaluating or verifying documentation showing completion of or compliance with a program contract.
(5) A decision by the program denying a licensee participation in the program is final and not subject to appeal, agency review, or judicial review.

Amended by Chapter 64, 2026 General Session

58-4a-106 Effect on other disciplinary proceedings.
(1) Findings of fact stipulated to in a program contract are binding admissions on the licensee in any proceeding to terminate the program contract or any other division disciplinary administrative proceeding.
(2) If the program contract is entered into after an adjudicative proceeding has commenced, the adjudicative proceeding shall be stayed pending successful completion of the program contract.

(3) Acceptance of a licensee into the program does not preclude the division from investigating or taking disciplinary action against the licensee for other misconduct that:
(a) is not included in the program contract; or
(b) was committed at any time before or after the licensee entered into the program contract.
(4) The period described in Subsection 58-1-401(6) is tolled during any period during which a licensee applies to participate in the program or is operating under a program contract.
(5) In any proceedings to determine disciplinary sanctions under Title 58, Chapter 1, Part 4, License Denial, the division may consider:
(a) successful completion of the program;
(b) failure to complete the program; or
(c) the contents of the program contract.
(6) A licensee terminated from the program may have disciplinary action taken against the licensee for misconduct committed before, during, or after the licensee's participation in the program.

Enacted by Chapter 107, 2020 General Session

58-4a-107 Violation of a program contract -- Adjudicative proceedings -- Penalties.
(1) The division may serve an order to show cause on the licensee if the licensee:
(a) violates any term or condition of the program contract or diversion agreement;
(b) makes an intentional, material misrepresentation of fact in the program contract or diversion agreement; or
(c) violates any rule or law governing the licensee's profession.
(2) Proceedings to terminate a program contract shall comply with Title 63G, Chapter 4, Administrative Procedures Act.
(3) During a proceeding to terminate a program contract, the licensee, the licensee's legal representative, and the division shall have access to information contained in the division's program file as permitted by law.
(4) The director shall terminate the program contract and place the licensee on probation in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act if, during the administrative proceedings described in Subsection (2), the presiding officer finds that the licensee has:
(a) violated the program contract;
(b) made an intentional material misrepresentation of fact in the program contract; or
(c) violated a law or rule governing the licensee's profession.
(5) If, during the proceedings described in Subsection (2), the presiding officer finds that the licensee has engaged in especially egregious misconduct, the director may revoke the licensee's license or take other appropriate disciplinary action.
(6) A licensee who is terminated from the program may have disciplinary action taken under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before, during, or after the licensee's participation in the program.

Amended by Chapter 64, 2026 General Session

58-4a-108 Emergency order.
Nothing in this chapter precludes the division from issuing an emergency order pursuant to Section 63G-4-502 regarding a licensee's participation in the program.

Enacted by Chapter 107, 2020 General Session

58-4a-109 Public meetings.

Program meetings and hearings are not subject to Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by Chapter 107, 2020 General Session

58-4a-110 Fees -- Fines.

(1) The division, in accordance with Section 63J-1-504, shall establish fees in an amount to pay the costs to the division of operating the program.
(2) The division may, for a licensee who has entered into a program contract, assess a fine for a violation of a program contract, in accordance with a fine schedule the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 107, 2020 General Session

58-4a-111 Reporting.

(1) Program contracts shall allow the division to report regularly to the licensee's Utah professional licensing board regarding the licensee's progress in the program to the extent that reporting does not violate HIPAA.
(2) The executive advisory committee and the clinical advisory committee described in Section 58-4a-104 may assist Utah professional licensing boards and division staff in monitoring the compliance of a licensee who has entered into a program contract.

Enacted by Chapter 107, 2020 General Session

Chapter 5a
Podiatric Physician Licensing Act

Part 1
Definitions

58-5a-101 Title.

This chapter is known as the "Podiatric Physician Licensing Act."

Amended by Chapter 232, 1996 General Session

58-5a-102 Definitions.

In addition to the definitions under Section 58-1-102, as used in this chapter:
(1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.
(2) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
(3) "Indirect supervision" means the same as that term is defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(4) "Medical assistant" means an unlicensed individual working under the indirect supervision of a licensed podiatric physician and engaging in specific tasks assigned by the licensed podiatric physician in accordance with the standards and ethics of the podiatry profession.

(5) "Practice of podiatry" means, subject to Section 58-5a-103, the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions, and wound debridement on the limbs and torso, by all appropriate and lawful means.
(6) "Unlawful conduct" includes:
(a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
(b) for an individual who is not licensed under this chapter:
(i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor, foot specialist, or D.P.M.; or
(ii) implying or representing that the individual is qualified to practice podiatry.
(7)
(a) "Unprofessional conduct" includes, for an individual licensed under this chapter:
(i) the conduct that constitutes unprofessional conduct under Section 58-1-501;
(ii) communicating to a third party, without the consent of the patient, information the individual acquires in treating the patient, except as necessary for professional consultation regarding treatment of the patient;
(iii) allowing the individual's name or license to be used by an individual who is not licensed to practice podiatry under this chapter;
(iv) except as described in Section 58-5a-306, employing, directly or indirectly, any unlicensed individual to practice podiatry;
(v) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs the individual's ability to practice podiatry;
(vi) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-101;
(vii) gross incompetency in the practice of podiatry;
(viii) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;
(ix) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due;
(x) willfully using false or fraudulent advertising;
(xi) conduct the division defines as unprofessional conduct by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(xii) falsely making an entry in, or altering, a medical record with the intent to conceal:
(A) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(B) conduct described in Subsections (7)(a)(i) through (xi) or Subsection 58-1-501(1); or
(xiii) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.
(b) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis within the scope of practice of podiatry.

Amended by Chapter 362, 2026 General Session

58-5a-103 Scope of practice.
(1) Subject to the provisions of this section, an individual licensed as a podiatric physician under this chapter may perform:
(a) a surgical procedure on a bone of the foot or ankle; and

(b) biological, enzymatic, autolytic, and mechanical wound debridement on the limbs and torso, if the podiatric physician is certified by the American Board of Wound Management as a Certified Wound Specialist Physician.

(2) Except as provided in Subsections (3) and (4), an individual licensed as a podiatric physician under this chapter may not perform:

(a) an ankle fusion;

(b) a massive ankle reconstruction; or

(c) a reduction of a trimalleolar ankle fracture.

(3) An individual licensed as a podiatric physician under this chapter who meets the requirements described in Subsection (4) may only:

(a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle joint;

(b) treat a foot or ankle condition using hardware, including screws, plates, staples, pins, and wires, if at least one portion of the hardware system is attached to a bony structure at or below the ankle mortise; and

(c) place hardware for the treatment of soft tissues in the foot or ankle no more proximal than the distal 10 centimeters of the tibia.

(4) Subject to Subsection (3), an individual licensed as a podiatric physician under this chapter may only perform a procedure described in Subsection (2) if the individual:

(a)

(i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education; and

(ii) is board certified in reconstructive rearfoot and ankle surgery by the American Board of Foot and Ankle Surgery;

(b)

(i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;

(ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery; and

(iii) provides the division documentation that the podiatric physician has completed training or experience, which the division determines is acceptable, in standard or advanced rearfoot and ankle procedures; or

(c)

(i) graduated before June 1, 2006, from a residency program in podiatric medicine and surgery that was at least two years in length and that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;

(ii)

(A) is board certified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery;

(B) if the residency described in Subsection (4)(c)(i) is a PSR-24 24-month podiatric surgical residency, provides proof that the individual completed the residency, to a hospital that is accredited by the Joint Commission, and meets the hospital's credentialing criteria for foot and ankle surgery; or

(C) in addition to the residency described in Subsection (4)(c)(i), has completed a fellowship in foot and ankle surgery that was accredited by the Council on Podiatric Medical Education at the time of completion; and

(iii) provides the division documentation that the podiatric physician has completed training and experience, which the division determines is acceptable, in standard or advanced rearfoot and ankle procedures.

(5) An individual licensed as a podiatric physician under this chapter may not perform an amputation proximal to Chopart's joint.

(6) An individual licensed as a podiatric physician under this chapter may not perform a surgical treatment on an ankle, on a governing structure of the foot or ankle above the ankle, or on a structure related to the foot or ankle above the ankle, unless the individual performs the surgical treatment:

(a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as defined in Section 26B-2-201; and

(b) subject to review by a quality care review body that includes qualified, licensed physicians and surgeons.

Amended by Chapter 458, 2024 General Session

Part 2
Podiatric Physician Board

58-5a-201 Podiatric Physician Board.

(1) There is created the Podiatric Physician Board consisting of four podiatric physicians and one member of the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203.

(4) In addition, the board shall designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.

(5) A board member who has, under Subsection (4), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 10, 1997 General Session

Part 3
Licensing

58-5a-301 License required -- License classifications.

(1) The division shall issue to persons qualified under this chapter a license in the classification of podiatric physician.

(2) A person may not practice podiatry unless licensed or exempted from licensure under this chapter.

Amended by Chapter 232, 1996 General Session

58-5a-302 Qualifications to practice podiatry.

An applicant for licensure to practice podiatry shall:

(1) submit an application in a form the division approves;

(2) pay a fee as determined by the department under Section 63J-1-504;

(3) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a podiatric physician, as evidenced by having received an earned degree of doctor of podiatric medicine from a podiatry school or college accredited by the Council on Podiatric Medical Education;

(4) if licensed on or after July 1, 2015, satisfy the division and board that the applicant:

(a) has successfully completed 24 months of resident training in a program approved by the Council on Podiatric Medical Education; or

(b)

(i) has successfully completed 12 months of resident training in a program approved by the Council on Podiatric Medical Education after receiving a degree of doctor of podiatric medicine as required under Subsection (3);

(ii) has been accepted in, and is successfully participating in, progressive resident training in a Council on Podiatric Medical Education approved program within Utah, in the applicant's second or third year of postgraduate training; and

(iii) has agreed to surrender to the division the applicant's license as a podiatric physician without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and has agreed the applicant's license as a podiatric physician will be automatically revoked by the division if the applicant fails to continue in good standing in a Council on Podiatric Medical Education approved progressive resident training program within the state;

(5) pass examinations required by rule; and

(6)

(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 443, 2025 General Session

58-5a-303 Terms of license -- Expiration -- Renewal.

(1) The division shall issue all licenses under this chapter in accordance with the two-year renewal cycle established by rule. A renewal period for a license may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements established by rule, including completion of continuing education as required under this chapter.

(3) A license issued under this chapter expires on the expiration date shown on the license unless renewed prior to that date by the licensee in accordance with Section 58-1-308.

Amended by Chapter 12, 1994 General Session

58-5a-304 Continuing education.

(1) The division may require each person holding a license under this chapter to complete in each two-year period not more than 40 hours of qualified continuing professional education in accordance with standards defined by rule as a requirement prior to license renewal under this chapter.
(2) In establishing continuing education requirements under this section the division shall in collaboration with the board recognize the existing educational methods, procedures, devices, and programs in use among the various podiatry specialty organizations.
(3) The division shall give licensees credit toward continuing education requirements for participation in and completion of continuing education programs of:
  (a) the American Podiatric Medical Association;
  (b) the Utah Podiatric Medical Association;
  (c) all colleges of podiatric medicine accredited by the Council on Education of the American Podiatric Medical Association; and
  (d) similar programs of other organizations that are approved by the division in collaboration with the board.
(4) If a renewal period is shortened or extended to effect a change of the renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly, as a pro rata amount of the requirements of a two-year period.

Amended by Chapter 232, 1996 General Session

58-5a-306 Exemptions from licensure.

The following individuals may practice podiatry, subject to stated circumstances and limitations, without being licensed under this chapter:
(1) a podiatric physician serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of the podiatric physician's employment with that federal agency if the podiatric physician holds a valid license to practice podiatry that any other state or jurisdiction the division recognizes issues;
(2) a student engaged in activities that constitute the practice of podiatry while in training in a recognized school the division approves to the extent the activities are under the supervision of qualified faculty or staff and the activities are a defined part of the training program;
(3) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program the division approves while under the supervision of qualified persons;
(4) an individual residing in another state and licensed to practice podiatry there, who is called in for a consultation by an individual licensed in this state and services provided are limited to that consultation or who is invited by a recognized school, association, society, or other body the division approves to conduct a lecture, clinic, or demonstration of the practice of podiatry so long as that individual does not establish a place of business or regularly engage in the practice of podiatry in the state;
(5) a person licensed under the laws of this state to practice or engage in any other occupation or profession while engaged in the lawful, professional, and competent practice of that occupation or profession;
(6) a person that fits or sells corrective shoes, arch supports, or similar devices, to the extent their acts and practices involve only the fitting and selling of these items; or
(7) a medical assistant working under the indirect supervision of a licensed podiatric physician, if the medical assistant:

(a) engages only in tasks appropriately that the licensed podiatric physician delegates in accordance with the standards and ethics of the practice of podiatry, and consistent with this chapter;
(b) does not perform surgical procedures;
(c) does not prescribe prescription medications;
(d) does not administer anesthesia, except for a local anesthetic; and
(e) does not engage in other practices or procedures defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the board.

Amended by Chapter 64, 2026 General Session

58-5a-307 Consumer access to provider charges.

Beginning January 1, 2011, a podiatric physician licensed under this chapter shall, when requested by a consumer:
(1) make a list of professional charges available for the consumer which includes the podiatric physician's 25 most frequently performed:
(a) clinical procedures or clinical services;
(b) out-patient procedures; and
(c) in-patient procedures; and
(2) provide the consumer with information regarding any discount available for:
(a) services not covered by insurance; or
(b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

Part 4
Denial of Licensure

58-5a-401 Grounds for denial of license -- Disciplinary proceedings.

(1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
(a) does not meet the qualifications for licensure or renewal of licensure under this chapter; or
(b) is guilty of a crime which, when considered with the functions and duties of a licensee under this chapter, demonstrates a threat or potential threat to the public health, safety, or welfare.
(2) The division may refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
(a) is guilty of unlawful conduct related to practice under this chapter or unprofessional conduct as defined in this chapter, Section 58-1-501, or rules made under either;
(b) has obtained or attempted to obtain a license under this title by fraud or willful misrepresentation; or
(c) has had a license or certification to practice in any profession or occupation subjected to disciplinary action which demonstrates a threat or potential threat to the public health, safety, or welfare, when considered with the activities regulated under this chapter.

Amended by Chapter 12, 1994 General Session

Part 5
Unprofessional and Unlawful Conduct -- Penalties

58-5a-501 Unlawful conduct -- Penalties.

Any person who engages in unlawful conduct as defined in this chapter is guilty of a third degree felony, except that a violation of Subsection 58-5a-102(5) is a class A misdemeanor.

Amended by Chapter 230, 2015 General Session

Chapter 9
Funeral Services Licensing Act

Part 1
General Provisions

58-9-101 Title.

This chapter is known as the "Funeral Services Licensing Act."

Enacted by Chapter 49, 2003 General Session

58-9-102 Definitions.

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

(1) "Alkaline hydrolysis" means a water-based dissolution process using alkaline chemicals, heat, and sometimes agitation or pressure that reduces human remains to a liquid and to dry bone residue and includes the disposal of the liquid and the processing and pulverization of the dry bone residue.

(2) "Alkaline hydrolysis chamber" means the enclosed space within which the alkaline hydrolysis process takes place and that is used exclusively for alkaline hydrolysis of human remains.

(3) "Alkaline hydrolysis container" means a container:

(a) in which human remains are transported to a funeral service establishment and placed in an alkaline hydrolysis chamber for resomation; and

(b) that meets substantially all of the following standards:

(i) able to be closed in order to provide a complete covering for the human remains;

(ii) resistant to leakage or spillage;

(iii) rigid enough for handling with ease; and

(iv) able to provide protection for the health, safety, and personal integrity of crematory personnel.

(4) "Authorizing agent" means a person legally entitled to authorize the cremation or the alkaline hydrolysis process of human remains.

(5) "Beneficiary" means the individual who, at the time of the individual's death, is to receive the benefit of the property and services purchased under a preneed funeral arrangement.

(6) "Board" means the Board of Funeral Service created in Section 58-9-201.

(7) "Body part" means:

(a) a limb or other portion of the anatomy that is removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or
(b) a human body or any portion of a body that has been donated to science for medical research purposes.

(8) "Buyer" means a person who purchases a preneed funeral arrangement.

(9) "Calcination" means a process in which a dead human body is reduced by intense heat to a residue that is not as substantive as the residue that follows cremation.

(10) "Cremated remains" means all the remains of a cremated body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.

(11) "Cremation" means the technical process, using direct flame and heat, or a chemical process, that reduces human remains to bone fragments through heat and evaporation, or a chemical process, and includes the processing and usually the pulverization of the bone fragments.

(12) "Cremation chamber" means the enclosed space within which the cremation process takes place and which is used exclusively for the cremation of human remains.

(13) "Cremation container" means the container:
(a) in which the human remains are transported to the crematory and placed in the cremation chamber for cremation; and
(b) that meets substantially all of the following standards:
(i) composed of readily combustible or consumable materials suitable for cremation;
(ii) able to be closed in order to provide a complete covering for the human remains;
(iii) resistant to leakage or spillage;
(iv) rigid enough for handling with ease; and
(v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

(14) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility.

(15) "Direct disposition" means the disposition of a dead human body:
(a) as quickly as law allows;
(b) without preparation of the body by embalming; and
(c) without an attendant funeral service or graveside service.

(16) "Disposition" means the final disposal of a dead human body by:
(a) earth interment;
(b) above ground burial;
(c) cremation;
(d) calcination;
(e) alkaline hydrolysis;
(f) burial at sea;
(g) delivery to a medical institution; or
(h) other lawful means.

(17) "Embalming" means replacing body fluids in a dead human body with preserving and disinfecting chemicals.

(18)
(a) "Funeral merchandise" means any of the following into which a dead human body is placed in connection with the transportation or disposition of the body:
(i) a vault;
(ii) a casket; or

(iii) other personal property.
(b) "Funeral merchandise" does not include:
(i) a mausoleum crypt;
(ii) an interment receptacle preset in a cemetery; or
(iii) a columbarium niche.
(19) "Funeral service" means a service, rite, or ceremony performed:
(a) with respect to the death of a human; and
(b) with the body of the deceased present.
(20) "Funeral service director" means an individual licensed under this chapter who may engage in all lawful professional activities regulated and defined under the practice of funeral service.
(21)
(a) "Funeral service establishment" means a place of business at a specific street address or location licensed under this chapter that is devoted to:
(i) the embalming, care, custody, shelter, preparation for burial, and final disposition of dead human bodies; and
(ii) the furnishing of services, merchandise, and products purchased from the establishment as a preneed provider under a preneed funeral arrangement.
(b) "Funeral service establishment" includes:
(i) all portions of the business premises and all tools, instruments, and supplies used in the preparation and embalming of dead human bodies for burial, cremation, alkaline hydrolysis, and final disposition as defined by division rule; and
(ii) a facility used by the business in which funeral services may be conducted.
(22) "Funeral service intern" means an individual licensed under this chapter who is permitted to:
(a) assist a funeral service director in the embalming or other preparation of a dead human body for disposition;
(b) assist a funeral service director in the cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body or its remains; and
(c) perform other funeral service activities under the supervision of a funeral service director.
(23) "Graveside service" means a funeral service held at the location of disposition.
(24) "Memorial service" means a service, rite, or ceremony performed:
(a) with respect to the death of a human; and
(b) without the body of the deceased present.
(25) "Practice of funeral service" means:
(a) supervising the receipt of custody and transportation of a dead human body to prepare the body for:
(i) disposition; or
(ii) shipment to another location;
(b) entering into a contract with a person to provide professional services regulated under this chapter;
(c) embalming or otherwise preparing a dead human body for disposition;
(d) supervising the arrangement or conduct of:
(i) a funeral service;
(ii) a graveside service; or
(iii) a memorial service;
(e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body or the body's remains;
(f) supervising the arrangement of:
(i) a disposition; or

(ii) a direct disposition;
(g) facilitating:
(i) a disposition; or
(ii) a direct disposition;
(h) supervising the sale of funeral merchandise by a funeral establishment;
(i) managing or otherwise being responsible for the practice of funeral service in a licensed funeral service establishment;
(j) supervising the sale of a preneed funeral arrangement; and
(k) contracting with or employing individuals to sell a preneed funeral arrangement.

(26)
(a) "Preneed funeral arrangement" means a written or oral agreement sold in advance of the death of the beneficiary under which a person agrees with a buyer to provide at the death of the beneficiary any of the following as are typically provided in connection with a disposition:
(i) goods;
(ii) services, including:
(A) embalming services; and
(B) funeral directing services;
(iii) real property; or
(iv) personal property, including:
(A) a casket;
(B) another primary container;
(C) a cremation, alkaline hydrolysis, or transportation container;
(D) an outer burial container;
(E) a vault;
(F) a grave liner;
(G) funeral clothing and accessories;
(H) a monument;
(I) a grave marker; and
(J) a cremation or alkaline hydrolysis urn.
(b) "Preneed funeral arrangement" does not include a policy or product of life insurance providing a death benefit cash payment upon the death of the beneficiary which is not limited to providing the products or services described in Subsection (26)(a).

(27) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments by manual means.

(28) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation or alkaline hydrolysis and processing to granulated particles by manual or mechanical means.

(29) "Resomation" means the alkaline hydrolysis process.

(30) "Sales agent" means an individual licensed under this chapter as a preneed funeral arrangement sales agent.

(31) "Temporary container" means a receptacle for cremated or alkaline hydrolysis remains usually made of cardboard, plastic, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired.

(32) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-9-501.

(33) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-9-502.

(34) "Urn" means a receptacle designed to permanently encase cremated or alkaline hydrolysis remains.

Amended by Chapter 354, 2020 General Session

Part 2
Board

58-9-201 Board.

(1) There is created the Board of Funeral Service consisting of:
  (a) four funeral service directors who own, have an ownership interest in, or have management responsibilities for a funeral service establishment;
  (b) one preneed funeral arrangement sales agent, who does not have an ownership interest in a funeral service establishment; and
  (c) two members from the general public who have no association with the funeral service profession.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3)
  (a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
  (b) The board shall designate one of its members on a permanent or rotating basis to:
    (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
    (ii) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised the division in its investigation may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Amended by Chapter 144, 2007 General Session

Part 3
Licensing

58-9-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of funeral service, except as specifically provided in Sections 58-1-307 and 58-9-305.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
  (a) funeral service director;
  (b) funeral service intern;
  (c) funeral service establishment; or
  (d) preneed funeral arrangement sales agent.

Amended by Chapter 144, 2007 General Session

58-9-302 Qualifications for licensure.

(1) Each applicant for licensure as a funeral service director shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c) have obtained a high school diploma or its equivalent or a higher education degree;
(d) have obtained an associate degree, or its equivalent, in mortuary science from a school of funeral service accredited by the American Board of Funeral Service Education or other accrediting body recognized by the U.S. Department of Education;
(e) have completed not less than 2,000 hours and 50 embalmings of satisfactory performance in training as a licensed funeral service intern under the supervision of a licensed funeral service director; and
(f) obtain a passing score on examinations approved by the division in collaboration with the board.

(2) Each applicant for licensure as a funeral service intern shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c) have obtained a high school diploma or its equivalent or a higher education degree; and
(d) obtain a passing score on an examination approved by the division in collaboration with the board.

(3) Each applicant for licensure as a funeral service establishment and each funeral service establishment licensee shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c) have in place:
(i) an embalming room for preparing dead human bodies for burial or final disposition, which may serve one or more facilities operated by the applicant;
(ii) a refrigeration room that maintains a temperature of not more than 40 degrees fahrenheit for preserving dead human bodies prior to burial or final disposition, which may serve one or more facilities operated by the applicant; and
(iii) maintain at all times a licensed funeral service director who is responsible for the day-to-day operation of the funeral service establishment and who is personally available to perform the services for which the license is required;
(d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service director if the funeral service establishment sells preneed funeral arrangements;
(e) file with the completed application a copy of each form of contract or agreement the applicant will use in the sale of preneed funeral arrangements;
(f) provide evidence of appropriate licensure with the Insurance Department if the applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or in part by an insurance policy or product to be sold by the provider or the provider's sales agent; and
(g) if the applicant intends to offer alkaline hydrolysis in a funeral service establishment, provide evidence that in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) the funeral service establishment meets the minimum standards for the handling, holding, and processing of deceased human remains in a safe, clean, private, and respectful manner; and
(ii) all operators of the alkaline hydrolysis equipment have received adequate training.

(4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:
(a) submit an application in a form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;
(c) have obtained a high school diploma or its equivalent or a higher education degree;
(d) have obtained a passing score on an examination approved by the division in collaboration with the board;
(e) affiliate with a licensed funeral service establishment; and
(f) provide evidence of appropriate licensure with the Insurance Department if the applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or in part by an insurance policy or product.

Amended by Chapter 137, 2024 General Session

58-9-303 Term of license -- Expiration -- Renewal.

(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
(2) Notwithstanding Subsection (1), a person who has once held a license as a funeral service intern and has not qualified for licensure as a funeral service director may be issued a subsequent funeral service intern license for only one additional two-year term upon the specific approval of the division in collaboration with the board.
(3) At the time of renewal, the funeral service director licensee shall show satisfactory evidence of completion of continuing education as required under Section 58-9-304.
(4) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.
(5)
(a) Except as otherwise provided in Subsections (5)(b) and (c), the division may take action against the license of a funeral service establishment that does not have a licensed funeral service director.
(b) If a licensed funeral service director dies and leaves the funeral service establishment as part of the assets of the funeral service director's estate:
(i) the personal representative of the funeral service director's estate may operate the funeral service establishment under the license, or renewals of the license, for not more than two years from the date of the funeral service director's death without meeting the qualifications of an applicant and without having a licensed funeral service director; but
(ii) Subsection (5)(b)(i) does not allow an unlicensed person to perform a function that requires performance by a funeral service director licensed under this chapter.
(c) If the funeral service director of a licensed funeral service establishment terminates employment with the establishment, the establishment has 90 days to hire a new licensed funeral service director before action may be taken against the license under Subsection (5)(a).

Amended by Chapter 144, 2007 General Session

58-9-304 Continuing education.

(1) As a condition precedent for license renewal, each funeral service director shall, during each two-year licensure cycle or other cycle defined by rule, complete 20 hours of qualified continuing professional education in accordance with standards defined by rule.

(2) If a renewal cycle is extended or shortened under Section 58-9-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 49, 2003 General Session

58-9-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person may engage in the following acts included within the definition of the practice of funeral service, subject to the stated circumstances and limitations, without being licensed under this chapter:

(1) transportation of a dead human body in accordance with other applicable state and federal laws;

(2) ambulance or other emergency transportation of a dead human body;

(3) the sale of any of the following that is delivered to the buyer or the buyer's designee within 90 days after the day of the sale:

(a) funeral merchandise;

(b) headstones; or

(c) other memorial merchandise;

(4) the performance of funeral, graveside, or memorial services by:

(a) a member of the clergy;

(b) a member of the decedent's family; or

(c) any other recognized individual;

(5) assisting a Utah licensed funeral service director regarding disasters or special emergencies by individuals licensed in other states as funeral service directors or embalmers;

(6) activities of an unlicensed individual employed by a funeral service establishment involving arrangement for a funeral service or the sale of funeral merchandise if the binding contract is reviewed, approved, and signed in behalf of the funeral service establishment by a licensed funeral service director; and

(7) nonprofessional tasks or activities which:

(a) do not require independent professional judgment; and

(b) are required of persons employed by a funeral service establishment under the supervision of a funeral service director.

Amended by Chapter 144, 2007 General Session

58-9-306 License by endorsement.

The division may issue a license by endorsement under this chapter to a person who:

(1) provides documentation that the funeral service director's current licensure is active, in good standing, and free from any disciplinary action;

(2) submits an application on a form provided by the division;

(3) pays a fee determined by the department;

(4) has not been convicted of:

(a) a first or second degree felony; or

(b) crime that when considered with the duties and responsibilities of the license for which the person is applying is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;

(5) has completed five years of lawful and active practice as a licensed funeral service director and embalmer within the 10 years immediately preceding the application for licensure by endorsement;
(6) has passed a national examination determined by the division; and
(7) has demonstrated competency of the laws and the rules of the state as determined by the division.

Amended by Chapter 223, 2023 General Session

58-9-307 Supervision of funeral service intern.
(1) A person seeking licensure as a funeral service intern shall submit as a part of the application for a license:
  (a) the name of the licensed funeral service director who has agreed to supervise all duties performed by the applicant as an intern; and
  (b) the name of the licensed funeral service establishment at which the training and supervision shall take place.
(2) A licensed funeral service director may supervise only one licensed funeral service intern at one time.
(3)
  (a) Within 30 days after the day on which the supervisor-supervisee relationship between a licensed funeral service director and a licensed funeral service intern terminates, the funeral service director shall furnish to the division a report of the performance of the funeral service intern.
  (b) The report shall be in form and content as prescribed by the division.
(4)
  (a) A licensed funeral service intern shall notify the division of any change in the intern's supervising funeral service director.
  (b) The supervising funeral service director shall submit to the division, in accordance with Subsection (3), a report of the funeral service intern's performance.
(5) The licensed funeral service director is responsible for supervision of all of the duties and functions performed by the funeral service intern throughout the entire internship period.

Amended by Chapter 144, 2007 General Session

Part 4
License Denial and Discipline

58-9-401 Grounds for denial of license -- Disciplinary proceedings.
Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 49, 2003 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-9-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) doing any of the following to prepare a dead human body for disposition unless licensed as a funeral service director or a funeral service intern:
  (a) embalming;
  (b) calcinating;
  (c) pulverizing;
  (d) cremating; or
  (e) using any method that invades a dead human body;
(2) using the title "funeral service director," "funeral service intern," "preneed funeral service sales agent," or "funeral service establishment" unless licensed under this chapter;
(3) engaging in, providing, or agreeing to provide funeral arrangements to be provided under a preneed funeral arrangement without first obtaining a license as a funeral service establishment under this chapter;
(4) engaging in selling, representing for sale, or in any other way offering to sell any contract under which preneed funeral arrangements are to be provided without first obtaining a license under this chapter as:
  (a) a preneed funeral arrangement sales agent; or
  (b) a funeral service director; and
(5) failing to comply with Section 58-9-702.

Amended by Chapter 144, 2007 General Session

58-9-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes:
  (a) the failure of a funeral service director to accurately document, report, and supervise the activities of a funeral service intern;
  (b) knowingly soliciting the sale of any funeral service or funeral merchandise for a person whose death occurred or was imminent prior to the solicitation;
  (c) paying or offering to pay a commission or anything of value to secure deceased human remains for a funeral service or disposition to:
    (i) medical personnel;
    (ii) a nursing home;
    (iii) a nursing home employee;
    (iv) a hospice;
    (v) a hospice employee;
    (vi) clergy;
    (vii) a government official; or
    (viii) any other third party; and
  (d) failure to provide the following current information to the division:
    (i) a licensee's business address;
    (ii) a licensee's primary residence;
    (iii) a funeral service establishment's funeral service director; or
    (iv) a supervising funeral service director's funeral service intern's name.

(2) "Unprofessional conduct" does not include:
(a) general advertising directed to the public at large; or
(b) responding to a notification of death from:
(i) medical personnel;
(ii) a nursing home;
(iii) a nursing home employee;
(iv) a hospice;
(v) a hospice employee;
(vi) clergy;
(vii) a government official; or
(viii) any authorized representative of the family of the deceased person.

Amended by Chapter 144, 2007 General Session

58-9-503 Penalty for unlawful conduct.
(1) A person who violates the unlawful conduct provisions defined in Subsections 58-9-501(1) through (4) is guilty of a class A misdemeanor.
(2) A person who violates the unlawful conduct provision defined in Subsection 58-9-501(5) may be prosecuted under Title 76, Chapter 6, Part 4, Theft.

Amended by Chapter 144, 2007 General Session

58-9-504 Authority to promulgate rules.
In addition to the authority granted under Section 58-1-106, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division in collaboration with the board shall establish by rule:
(1) the minimum requirements for a licensed funeral establishment for the following:
(a) physical facilities;
(b) equipment;
(c) instruments; and
(d) supplies;
(2) license cycles under Section 58-9-303;
(3) standards to protect the interests of buyers and potential buyers of preneed funeral arrangements under Section 58-9-701; and
(4) standards for preneed funeral arrangement trusts.

Amended by Chapter 382, 2008 General Session

58-9-505 Disclosure requirements.
A licensee under this chapter shall disclose information in accordance with regulations of the Federal Trade Commission and rules adopted by the division pursuant to this chapter.

Enacted by Chapter 49, 2003 General Session

58-9-506 Inspection -- Right to access.
A licensed funeral service establishment is subject to inspection during normal business hours to determine compliance with the laws of Utah by:
(1) any authorized representative of the division; or

(2) any authorized representative of a local or state health department.

Enacted by Chapter 49, 2003 General Session

Part 6
Control of Disposition

58-9-601 Advance directions.

(1) A person may provide written directions, acknowledged before a notary public or executed with the same formalities required of a will under Section 75-2-502, to direct the preparation, type, and place of the person's disposition, including:
  (a) designating a funeral service establishment;
  (b) providing directions for burial arrangements;
  (c) providing directions for cremation arrangements; or
  (d) providing directions for alkaline hydrolysis arrangements.
(2) A funeral service director shall carry out the written directions of the decedent prepared under this section to the extent that:
  (a) the directions are lawful; and
  (b) the decedent has provided resources to carry out the directions.
(3) Directions for disposition contained in a will shall be carried out pursuant to Subsection (2) regardless of:
  (a) the validity of other aspects of the will; or
  (b) the fact that the will may not be offered or admitted to probate until a later date.
(4) A person may change or cancel written directions prepared under this section at any time prior to the person's death by providing written notice to all applicable persons, including:
  (a) if the written directions designate a funeral service establishment or funeral service director, the funeral service establishment or funeral service director designated in the written directions; and
  (b) if the written directions are contained in a will, the personal representative as defined in Section 75-1-201.

Amended by Chapter 326, 2018 General Session

58-9-602 Determination of control of disposition.

The right and duty to control the disposition of a deceased person, which may include cremation as well as the location, manner and conditions of the disposition, and arrangements for funeral goods and services to be provided, vests in the following degrees of relationship in the order named, provided the person is at least 18 years old and is mentally competent:

(1) the person designated:
  (a) in a written instrument, excluding a power of attorney that terminates at death under Section 75A-2-110, if the written instrument is acknowledged before a Notary Public or executed with the same formalities required of a will under Section 75-2-502; or
  (b) by a service member while serving in a branch of the United States Armed Forces as defined in 10 U.S.C. Sec. 1481 in a federal Record of Emergency Data, DD Form 93 or subsequent form;

(2) the surviving, legally recognized spouse of the decedent, unless a personal representative was nominated by the decedent subsequent to the marriage, in which case the personal representative shall take priority over the spouse;
(3) the person nominated to serve as the personal representative of the decedent's estate in a will executed with the formalities required in Section 75-2-502;
(4)
(a) the sole surviving child of the decedent, or if there is more than one child of the decedent, the majority of the surviving children; and
(b) less than one-half of the surviving children are vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving children;
(5) the surviving parent or parents of the decedent, however:
(a) if one of the surviving parents is absent, the remaining parent is vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent; or
(b) if the parents are divorced or separated and the decedent was an incapacitated adult, the parent who was designated as the guardian of the decedent is vested with the rights and duties of this section;
(6)
(a) the surviving brother or sister of the decedent, or if there is more than one sibling of the decedent, the majority of the surviving siblings; and
(b) less than the majority of surviving siblings, if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving siblings;
(7) the person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent, and if there is more than one person of the same degree, any person of that degree may exercise the right of disposition;
(8) in the absence of any person under Subsections (1) through (7), the person who was the decedent's guardian at the time of death;
(9) any public official charged with arranging the disposition of deceased persons; and
(10) in the absence of any person under Subsections (1) through (9), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the personal representative of the decedent's estate or the funeral service director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals referred to in Subsections (1) through (9).

Amended by Chapter 364, 2024 General Session

58-9-603 Loss of right of disposition.
(1) As used in this section, "estranged" means a physical and emotional separation from the decedent at the time of death which has existed for a period of time that clearly demonstrates an absence of affection, trust, and regard for the decedent.
(2) A person who has a right of disposition under this chapter forfeits that right and the right is passed on to the next qualifying person as listed in Section 58-9-602 under the following circumstances:
(a) the person is charged with first or second degree murder or voluntary manslaughter in connection with the decedent's death, and the charges are known by the funeral service

director, except that if the charges against the person are dropped or if the person is acquitted of the charges, the right of disposition is returned to the person;

(b) the person does not exercise the person's right of disposition within three days of notification of the decedent's death or within five days of the decedent's death, whichever is earlier; or

(c) if a probate court under Section 58-9-605 determines that the person entitled to the right of disposition and the decedent were estranged at the time of death.

Repealed and Re-enacted by Chapter 144, 2007 General Session

58-9-604 Control by funeral service director.

A funeral service director may control the disposition of the decedent and recover reasonable charges if:

(1)

(a) the funeral service director has actual knowledge that none of the persons described in Section 58-9-602 exist; or

(b) after reasonable efforts the funeral service director is not able to contact any of the persons described in Section 58-9-602; and

(2) the appropriate public official charged with arranging the disposition of deceased persons fails to assume responsibility for disposition of the decedent within 36 hours after receiving written notice from the funeral service director.

Enacted by Chapter 49, 2003 General Session

58-9-605 Disputes.

(1) Notwithstanding Sections 58-9-601 through 58-9-604, the probate court for the county in which the decedent resided may:

(a) award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition; and

(b) make decisions regarding the decedent's remains if those sharing the right of disposition cannot agree.

(2) The following provisions apply to the probate court's determinations under this section:

(a) if the persons holding the right of disposition are two or more persons with the same relationship to the decedent, and they cannot, by majority vote, make a decision regarding the disposition of the decedent's remains, any of those persons or a funeral service director with custody of the remains may petition the probate court to make the decision;

(b) in making a determination the probate court shall consider:

(i) the reasonableness and practicality of the proposed funeral arrangements and disposition;

(ii) the degree of the personal relationship between the decedent and each of the persons claiming the right of disposition;

(iii) the desires of the person or persons who are ready, able, and willing to pay the cost of the funeral arrangements and disposition;

(iv) the convenience and needs of other families and friends wishing to pay their respects;

(v) the desires of the decedent; and

(vi) the degree to which the funeral arrangements would allow maximum participation by all who wish to pay their respects.

(3)

(a) In a dispute regarding the right of disposition, until the funeral service director receives a court order or other written agreement signed by the parties to the dispute that decides the final disposition of the remains, the funeral service director is not liable for refusing to:
(i) accept the decedent's remains;
(ii) inter or otherwise dispose of the decedent's remains; or
(iii) complete the arrangements for the final disposition of the decedent's remains.
(b) If, during a dispute, a funeral service director retains a decedent's remains for final disposition, the director may:
(i) embalm or refrigerate and shelter the body, or both, to preserve it while awaiting the final decision of the probate court; and
(ii) add the costs incurred under Subsection (3)(b)(i) to the final disposition costs.
(4) The legal fees and court costs incurred by a funeral service director for petitioning the probate court under Subsection (2)(a) may be added to the final disposition costs.
(5)
(a) This section does not require or impose a duty upon a funeral service director to bring an action under Subsection (2)(a).
(b) A funeral service director may not be held criminally or civilly liable for failing to bring an action under Subsection (2)(a).
(6) Except to the degree that it may be considered by the probate court under Subsection (2)(b)(iii), the fact that a person has paid for or agreed to pay for all or part of the decedent's funeral arrangements and final disposition does not give that person a higher priority to the right of disposition that the person would otherwise have.
(7) The personal representative of the decedent's estate does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the personal representative would otherwise have.

Enacted by Chapter 144, 2007 General Session

58-9-606 Right to rely -- Immunity.
(1) A person signing a funeral service agreement, cremation authorization form, alkaline hydrolysis authorization form, or other authorization for a decedent's disposition warrants the truthfulness of the facts set forth in the document, including the identity of the decedent and the person's authority to order the disposition.
(2) A funeral service establishment has the right to rely on a contract or authorization executed under Subsection (1) and may carry out the instructions of the person whom its funeral service director reasonably believes holds the right of disposition.
(3) A funeral service director incurs no civil or criminal liability for failure to contact or independently investigate the existence of any next-of-kin or relative of the decedent.
(4) If there are at least two persons in the nearest class of the next-of-kin who are equal in priority and a funeral service director has no knowledge of an objection by other members of the class, the funeral service director may rely on and act according to the instructions of the first person in the class to make funeral and disposition arrangements.
(5) A funeral service establishment or funeral service director who relies in good faith on the instructions of a person claiming the right of disposition under this part is immune from civil and criminal liability and disciplinary action in carrying out the disposition of a decedent's remains in accordance with that person's instructions.

Amended by Chapter 326, 2018 General Session

58-9-607 Authorization to cremate -- Penalties for removal of items from human remains.

(1) Except as otherwise provided in this section and Section 58-9-619, a funeral service establishment may not cremate human remains until it has received:

(a) a cremation authorization form signed by an authorizing agent;

(b) a completed and executed burial transit permit or similar document, as provided by state law, indicating that human remains are to be cremated; and

(c) any other documentation required by the state, county, or municipality.

(2)

(a) The cremation authorization form shall contain, at a minimum, the following information:

(i) the identity of the human remains and the time and date of death, including a signed declaration of visual identification of the deceased or refusal to visually identify the deceased;

(ii) the name of the funeral director and funeral service establishment that obtained the cremation authorization;

(iii) notification as to whether the death occurred from a disease declared by the department of health to be infectious, contagious, communicable, or dangerous to the public health;

(iv) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;

(v) a representation that the authorizing agent has the right to authorize the cremation of the decedent and that the authorizing agent is not aware of any living person with a superior or equal priority right to that of the authorizing agent, except that if there is another living person with a superior or equal priority right, the form shall contain a representation that the authorizing agent has:

(A) made reasonable efforts to contact that person;

(B) been unable to do so; and

(C) no reason to believe that the person would object to the cremation of the decedent;

(vi) authorization for the funeral service establishment to cremate the human remains;

(vii) a representation that the human remains do not contain a pacemaker or other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation;

(viii) the name of the person authorized to receive the cremated remains from the funeral service establishment;

(ix) the manner in which the final disposition of the cremated remains is to take place, if known;

(x) a listing of each item of value to be delivered to the funeral service establishment along with the human remains, and instructions as to how each item should be handled;

(xi) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the authorization form;

(xii) if the cremation authorization form is being executed on a preneed basis, the form shall contain the disclosure required for preneed programs under this chapter; and

(xiii) except for a preneed cremation authorization, the signature of the funeral director of the funeral service establishment that obtained the cremation authorization.

(b)

(i) The individual described in Subsection (2)(a)(xiii) shall execute the funeral authorization form as a witness and is not responsible for any of the representations made by the authorizing agent.

(ii) The funeral director or the funeral service establishment shall warrant to the crematory that the human remains delivered to the funeral service establishment have been positively

identified as the decedent listed on the cremation authorization form by the authorizing agent or a designated representative of the authorizing agent.

(iii) The authorizing agent or the agent's designee may make the identification referred to in Subsection (2)(b)(ii) in person or by photograph.

(3)

(a) Except as provided in Section 58-9-619, a funeral service establishment may not accept unidentified human remains for cremation.

(b) If a funeral service establishment takes custody of a cremation container subsequent to the human remains being placed within the container, it can rely on the identification made before the remains were placed in the container.

(c) The funeral service establishment shall place appropriate identification on the exterior of the cremation container based on the prior identification.

(4)

(a) A person who removes or possesses dental gold or silver, jewelry, or mementos from human remains:

(i) with purpose to deprive another over control of the property is guilty of an offense and subject to the punishments provided in Section 76-6-404;

(ii) with purpose to exercise unauthorized control and with intent to temporarily deprive another of control over the property is guilty of an offense and subject to the punishments provided in Section 76-6-404.5; and

(iii) under circumstances not amounting to Subsection (4)(a)(i) or (ii) and without specific written permission of the individual who has the right to control those remains is guilty of a class B misdemeanor.

(b) The fact that residue or any unavoidable dental gold or dental silver or other precious metals remain in a cremation chamber or other equipment or a container used in a prior cremation is not a violation of Subsection (4)(a).

Amended by Chapter 111, 2023 General Session

58-9-608 Recordkeeping.

(1)

(a) A funeral service establishment shall furnish to the person who delivers human remains to the establishment for cremation a receipt signed by a representative of the establishment and the person making the delivery, showing:

(i) the date and time of the delivery;

(ii) the type of casket or alternative container delivered;

(iii) the name of the person from whom the human remains were received;

(iv) the name of the funeral establishment or other entity with whom the person making the delivery is affiliated;

(v) the name of the person who received the human remains on behalf of the funeral service establishment; and

(vi) the name of the decedent.

(b) The funeral service establishment shall keep a copy of the receipt in its permanent records for a period of seven years.

(2)

(a) Upon release of cremated remains, a funeral service establishment shall furnish to the person who receives the cremated remains a receipt signed by a representative of the funeral service establishment and the person who receives the remains, showing:

(i) the date and time of the release;
(ii) the name of the person to whom the cremated remains were released; and
(iii) if applicable:
(A) the name of the funeral establishment, cemetery, or other entity with whom the person receiving the cremated remains is affiliated;
(B) the name of the person who released the cremated remains on behalf of the funeral service establishment; and
(C) the name of the decedent.
(b)
(i) The receipt shall contain a representation from the person receiving the cremated remains confirming that the remains will not be used for any improper purpose.
(ii) Upon release of the cremated remains, the person to whom the remains were released may transport them in any manner in the state, without a permit, and dispose of them in accordance with this chapter.
(c) The funeral service establishment shall retain a copy of the receipt in its permanent records for a period of seven years.
(3)
(a) The funeral service establishment shall maintain at its place of business a permanent record of each cremation that took place at its crematory.
(b) The permanent record shall contain:
(i) the name of the decedent;
(ii) the date of cremation;
(iii) the final disposition of the cremated remains; and
(iv) any other document required by this chapter.

Enacted by Chapter 353, 2008 General Session

58-9-609 Cremation containers.

(1)
(a) Except as provided in Subsection (2), a funeral service establishment may not make or enforce a rule requiring that human remains be:
(i) placed in a casket before cremation; or
(ii) cremated in a casket.
(b) A funeral service establishment may not refuse to accept human remains for cremation because they are not in a casket.
(2)
(a) Human remains must be delivered to a crematory in a casket or cremation container.
(b) Human remains may not be removed from a casket or cremation container once delivered to the crematory, and the casket or cremation container shall be cremated with the human remains, unless:
(i) the funeral service establishment has been provided with written instructions to the contrary by the authorizing agent; or
(ii) the funeral service establishment does not accept metal caskets for cremation.

Enacted by Chapter 353, 2008 General Session

58-9-610 Cremation procedures.

(1) A funeral service establishment may not cremate human remains until the funeral service establishment:
(a) completes and files a death certificate with the office of vital statistics and the county health department as indicated on the regular medical certificate of death or the coroner's certificate; and
(b) complies with the provisions of Section 26B-8-230.
(2)
(a) A funeral service establishment may not cremate human remains with a pacemaker or other battery-powered, potentially hazardous implant in place.
(b)
(i) An authorizing agent for the cremation of human remains is responsible for informing the funeral service establishment in writing on the cremation authorization form about the presence of a pacemaker or other battery-powered, potentially hazardous implant in the human remains to be cremated.
(ii)
(A) Except as provided in Subsection (2)(b)(ii)(B), the authorizing agent is responsible to ensure that a pacemaker or other battery-powered, potentially hazardous implant is removed prior to cremation.
(B) If the authorizing agent informs the funeral service establishment of the presence of a pacemaker or other battery-powered, potentially hazardous implant under Subsection (2)(b)(i), and the funeral service establishment fails to have the pacemaker or other battery-powered, potentially hazardous implant removed prior to cremation, then the funeral service establishment is liable for all resulting damages.
(3) Only authorized persons are permitted in the crematory while human remains are in the crematory area awaiting cremation, being cremated, or being removed from the cremation chamber.
(4)
(a) Simultaneous cremation of the human remains of more than one person within the same cremation chamber or processor is not allowed, unless the funeral service establishment has received specific written authorization to do so from the authorizing agent of each person to be cremated.
(b) The written authorization, described in Subsection (4)(a), exempts the funeral license establishment from liability for co-mingling of the cremated remains during the cremation process.
(5) A funeral service establishment shall:
(a) verify the identification of human remains as indicated on a cremation container immediately before placing the human remains in the cremation chamber;
(b) attach a metal identification tag to the cremation container;
(c) remove the identification tag from the cremation container; and
(d) place the identification tag near the cremation chamber control where the identification tag shall remain until the cremation process is complete.
(6) Upon completion of a cremation, the funeral service establishment shall:
(a) in so far as is possible, remove all of the recoverable residue of the cremation process from the cremation chamber;
(b) separate all other residue from the cremation process from remaining bone fragments, in so far as possible, and process the bone fragments so as to reduce them to unidentifiable particles; and

(c) remove anything other than the unidentifiable bone particles from the cremated residuals, as far as is possible, and dispose of that material.

(7)

(a) A funeral service establishment shall pack cremated remains, including the identification tag described in Subsection (5), in a temporary container or urn ordered by the authorizing agent.

(b) The container or urn shall be packed in clean packing materials and not be contaminated with any other object, unless otherwise directed by the authorizing agent.

(c) If the cremated remains cannot fit within the designated temporary container or urn, the funeral service establishment shall:

(i) return the excess to the authorizing agent or the agent's representative in a separate container; and

(ii) mark both containers or urns on the outside with the name of the deceased person and an indication that the cremated remains of the named decedent are in both containers or urns.

(8)

(a) If the cremated remains are to be shipped, then the funeral services establishment shall pack the designated temporary container or urn in a suitable, sturdy container.

(b) The funeral service establishment shall have the remains shipped only by a method that:

(i) has an available internal tracing system; and

(ii) provides a receipt signed by the person accepting delivery.

Amended by Chapter 328, 2023 General Session

58-9-611 Disposition of cremated remains.

(1)

(a) An authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the final disposition of the cremated remains, if known.

(b) The funeral services establishment shall retain a copy of the statement.

(2)

(a) The authorizing agent is responsible for the disposition of the cremated remains.

(b) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the cremated remains within 60 days from the date of the cremation, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.

(c) The authorizing agent shall reimburse the funeral services establishment for all reasonable costs incurred in disposing of the cremated remains under Subsection (2)(b).

(d) The person or entity disposing of cremated remains under this section:

(i) shall make and keep a record of the disposition of the remains; and

(ii) is discharged from any legal obligation or liability concerning the remains once the disposition has been made.

(e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral services establishment or other responsible party as of May 5, 2008, or any time after that date.

(3)

(a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the disposition of cremated remains:

(i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;

(ii) by scattering the cremated remains over uninhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or

(iii) in any manner on the private property of a consenting owner.

(b) If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the funeral service establishment with the written consent of the property owner prior to disposal of the remains.
(c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or less and removed from their closed container.
(4) A funeral service establishment may not release cremated remains for scattering under this section to the authorizing agent or the agent's designated representative until the funeral service establishment is given a receipt that shows the proper filing has been made with the local registrar of births and deaths.

Amended by Chapter 326, 2018 General Session

58-9-612 Limitation of liability.
(1) An authorizing agent who signs a cremation authorization form warrants the truthfulness of the facts set forth on the form, including:
(a) the identity of the deceased whose remains are to be cremated; and
(b) the authorizing agent's authority to order the cremation.
(2) A funeral service establishment may rely upon the representations made by an authorizing agent under Subsection (1).
(3) The authorizing agent is personally and individually liable for all damage resulting from a misstatement or misrepresentation made under Subsection (1).
(4)
(a) A funeral service establishment may arrange for the cremation of and cremate human remains upon receipt of a cremation authorization form signed by an authorizing agent.
(b) A funeral service establishment that arranges a cremation, cremates human remains, or releases or disposes of cremated human remains pursuant to a cremation authorization form is not liable for an action it takes pursuant to that authorization.
(5) A funeral service establishment is not responsible or liable for any valuables delivered to the establishment with human remains to be cremated.
(6) A funeral service establishment may refuse to arrange for a cremation, to accept human remains for cremation, or to perform a cremation:
(a) if the establishment is aware of a dispute concerning the cremation of the human remains and it has not received a court order or other suitable confirmation that the dispute has been resolved;
(b) if the establishment has a reasonable basis for questioning any of the representations made by an authorizing agent; or
(c) for any other lawful reason.
(7)
(a) If a funeral service establishment is aware of a dispute concerning the release or disposition of cremated remains in its possession, the establishment may refuse to release the remains until:
(i) the dispute has been resolved; or
(ii) it has received a court order authorizing the release or disposition of the remains.
(b) A funeral service establishment is not liable for its refusal to release or dispose of cremated remains in accordance with this Subsection (7).

Enacted by Chapter 353, 2008 General Session

58-9-613 Authorization for alkaline hydrolysis -- Penalties for removal of items from human remains.

(1) Except as otherwise provided in this section, a funeral service establishment may not perform alkaline hydrolysis on human remains until the funeral service establishment has received:
  (a) an alkaline hydrolysis authorization form signed by an authorizing agent;
  (b) a completed and executed burial transit permit or similar document, as provided by state law, indicating that disposition of the human remains is to be by alkaline hydrolysis; and
  (c) any other documentation required by the state, county, or municipality.

(2)
  (a) The alkaline hydrolysis authorization form shall contain, at a minimum, the following information:
    (i) the identity of the human remains and the time and date of death, including a signed declaration of visual identification of the deceased or refusal to visually identify the deceased;
    (ii) the name of the funeral director and funeral service establishment that obtained the alkaline hydrolysis authorization;
    (iii) notification as to whether the death occurred from a disease declared by the Department of Health to be infectious, contagious, communicable, or dangerous to the public health;
    (iv) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;
    (v) a representation that the authorizing agent has the right to authorize the disposition of the decedent by alkaline hydrolysis and that the authorizing agent is not aware of any living person with a superior or equal priority right to that of the authorizing agent, except that if there is another living person with a superior or equal priority right, the alkaline hydrolysis authorization form shall contain a representation that the authorizing agent has:
      (A) made reasonable efforts to contact that person;
      (B) been unable to do so; and
      (C) no reason to believe that the person would object to the disposition of the decedent by alkaline hydrolysis;
    (vi) authorization for the funeral service establishment to use alkaline hydrolysis for the disposition of the human remains;
    (vii) the name of the person authorized to receive the human remains from the funeral service establishment;
    (viii) the manner in which the final disposition of the human remains is to take place, if known;
    (ix) a listing of each item of value to be delivered to the funeral service establishment along with the human remains, and instructions as to how each item should be handled;
    (x) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the alkaline hydrolysis authorization form;
    (xi) if the alkaline hydrolysis authorization form is being executed on a preneed basis, the disclosure required for preneed programs under this chapter; and
    (xii) except for a preneed alkaline hydrolysis authorization, the signature of the funeral director of the funeral service establishment that obtained the alkaline hydrolysis authorization.
  (b)
    (i) The person referred to in Subsection (2)(a)(xii) shall execute the alkaline hydrolysis authorization form as a witness and is not responsible for any of the representations made by the authorizing agent.
    (ii) The funeral director or the funeral service establishment shall warrant that the human remains delivered to the funeral service establishment have been positively identified by the

authorizing agent or a designated representative of the authorizing agent as the decedent listed on the alkaline hydrolysis authorization form.

(iii) The authorizing agent or the agent's designee may make the identification referred to in Subsection (2)(b)(ii) in person or by photograph.

(3)

(a) A funeral service establishment may not accept unidentified human remains for alkaline hydrolysis.

(b) If a funeral service establishment takes custody of an alkaline hydrolysis container subsequent to the human remains being placed within the container, the funeral service establishment can rely on the identification made before the remains were placed in the container.

(c) The funeral service establishment shall place appropriate identification on the exterior of the alkaline hydrolysis container based on the prior identification.

(4)

(a) A person who removes or possesses dental gold or silver, jewelry, or mementos from human remains:

(i) with purpose to deprive another over control of the property is guilty of an offense and subject to the punishments provided in Section 76-6-404;

(ii) with purpose to exercise unauthorized control and with intent to temporarily deprive another of control over the property is guilty of an offense and subject to the punishments provided in Section 76-6-404.5; and

(iii) under circumstances not amounting to Subsection (4)(a)(i) or (ii) and without specific written permission of the individual who has the right to control those remains is guilty of a class B misdemeanor.

(b) The fact that residue or any unavoidable dental gold or dental silver or other precious metals remain in alkaline hydrolysis equipment or a container used in a prior alkaline hydrolysis process is not a violation of Subsection (4)(a).

Amended by Chapter 111, 2023 General Session

58-9-614 Recordkeeping.

(1)

(a) A funeral service establishment shall furnish to the person who delivers human remains to the establishment for alkaline hydrolysis a receipt signed by a representative of the establishment and the person making the delivery, showing:

(i) the date and time of the delivery;

(ii) the type of casket or alternative container delivered;

(iii) the name of the person from whom the human remains were received;

(iv) the name of the funeral establishment or other entity with whom the person making the delivery is affiliated;

(v) the name of the person who received the human remains on behalf of the funeral service establishment; and

(vi) the name of the decedent.

(b) The funeral service establishment shall keep a copy of the receipt in the funeral service establishment's permanent records for a period of seven years.

(2)

(a) Upon release of human remains after alkaline hydrolysis, a funeral service establishment shall furnish to the person who receives the human remains a receipt signed by a

representative of the funeral service establishment and the person who receives the human remains, showing:

(i) the date and time of the release;

(ii) the name of the person to whom the human remains were released; and

(iii) if applicable:

(A) the name of the funeral establishment, cemetery, or other entity with whom the person receiving the human remains is affiliated;

(B) the name of the person who released the human remains on behalf of the funeral service establishment; and

(C) the name of the decedent.

(b)

(i) The receipt shall contain a representation from the person receiving the human remains confirming that the remains will not be used for any improper purpose.

(ii) Upon release of the human remains, the person to whom the human remains were released may transport the human remains in any manner in the state, without a permit, and dispose of the human remains in accordance with this chapter.

(c) The funeral service establishment shall retain a copy of the receipt in the funeral service establishment's permanent records for a period of seven years.

(3)

(a) The funeral service establishment shall maintain at the funeral service establishment's place of business a permanent record of each disposition by alkaline hydrolysis that took place at the funeral service establishment.

(b) The permanent record shall contain:

(i) the name of the decedent;

(ii) the date of disposition by alkaline hydrolysis;

(iii) the final disposition of the human remains; and

(iv) any other document required by this chapter.

Enacted by Chapter 326, 2018 General Session

58-9-615 Accepting remains for alkaline hydrolysis.

(1) A funeral service establishment may not make or enforce a rule requiring that human remains be placed in a casket before alkaline hydrolysis.

(2) A funeral service establishment may not refuse to accept human remains for alkaline hydrolysis because the human remains are not in a casket.

Enacted by Chapter 326, 2018 General Session

58-9-616 Procedure for alkaline hydrolysis.

(1) A funeral service establishment may not perform alkaline hydrolysis on human remains until the funeral service establishment:

(a) completes and files a death certificate with the Office of Vital Records and Statistics and the county health department as indicated on the regular medical certificate of death or the coroner's certificate; and

(b) complies with the provisions of Section 26B-8-230.

(2) While human remains are in the area where alkaline hydrolysis takes place, both before and during the alkaline hydrolysis process and while being removed from the alkaline hydrolysis chamber, only authorized persons are permitted in the area.

(3) Simultaneous alkaline hydrolysis of the human remains of more than one person within the same alkaline hydrolysis chamber is not allowed.
(4) A funeral service establishment shall:
(a) verify the identification of human remains as indicated on an alkaline hydrolysis container immediately before performing alkaline hydrolysis;
(b) attach an identification tag to the alkaline hydrolysis container;
(c) remove the identification tag from the alkaline hydrolysis container; and
(d) place the identification tag near the alkaline hydrolysis chamber where the identification tag shall remain until the alkaline hydrolysis process is complete.
(5) Upon completion of the alkaline hydrolysis process, the funeral service establishment shall:
(a) dispose of liquid remains in accordance with state and local requirements;
(b) to the extent possible, remove all of the recoverable residue of the remains of the alkaline hydrolysis process from the alkaline hydrolysis chamber;
(c) separate all other residue from the alkaline hydrolysis process from remaining bone fragments, to the extent possible, and process the bone fragments so as to reduce them to unidentifiable particles; and
(d) remove anything other than the unidentifiable bone particles from the remains of the alkaline hydrolysis process, to the extent possible, and dispose of that material.
(6)
(a) A funeral service establishment shall pack the remains of the alkaline hydrolysis process, which consist of the unidentifiable bone particles and the identification tag described in Subsection (4), in an urn or temporary container ordered by the authorizing agent.
(b) The urn or temporary container shall be packed in clean packing materials and not be contaminated with any other object, unless otherwise directed by the authorizing agent.
(c) If the remains of the alkaline hydrolysis process cannot fit within the designated urn or temporary container, the funeral service establishment shall:
(i) return the excess remains to the authorizing agent or the agent's representative in a separate urn or temporary container; and
(ii) mark both urns or temporary containers on the outside with the name of the decedent and an indication that the remains of the named decedent are in both urns or temporary containers.
(7)
(a) If the remains are to be shipped, the funeral service establishment shall pack the designated temporary container or urn in a suitable, sturdy container.
(b) The funeral service establishment shall have the remains shipped only by a method that:
(i) has an available tracking system; and
(ii) provides a receipt signed by the person accepting delivery.

Amended by Chapter 328, 2023 General Session

58-9-617 Final disposition of remains from the alkaline hydrolysis process.
(1)
(a) An authorizing agent shall provide the person with whom alkaline hydrolysis arrangements are made with a signed statement specifying the final disposition of the remains from the alkaline hydrolysis process, if known.
(b) The funeral service establishment shall retain a copy of the statement.
(2)

(a) The authorizing agent is responsible for the final disposition of the remains from the alkaline hydrolysis process.
(b) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the remains from the alkaline hydrolysis process within 60 days from the date of the alkaline hydrolysis process, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.
(c) The authorizing agent shall reimburse the funeral service establishment for all reasonable costs incurred in disposing of the remains from the alkaline hydrolysis process under Subsection (2)(b).
(d) The person or entity disposing of remains from the alkaline hydrolysis process under this section:
(i) shall make and keep a record of the final disposition of the remains; and
(ii) is discharged from any legal obligation or liability concerning the remains once the final disposition has been made.

(3)
(a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the final disposition of remains from the alkaline hydrolysis process:
(i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;
(ii) by scattering the remains over uninhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or
(iii) in any manner on the private property of a consenting owner.
(b) If remains from the alkaline hydrolysis process are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the funeral service establishment with the written consent of the property owner before disposal of the remains.
(c) In order to scatter remains from the alkaline hydrolysis process under Subsection (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or less and removed from the remains' closed container.

(4) Under this section, a funeral service establishment may not release remains from the alkaline hydrolysis process to the authorizing agent or the agent's designated representative for scattering until the funeral service establishment is given a receipt that shows the proper filing has been made with the local registrar of births and deaths.

Enacted by Chapter 326, 2018 General Session

58-9-618 Limitation of liability.

(1) An authorizing agent who signs an alkaline hydrolysis authorization form warrants the truthfulness of the facts set forth on the form, including:
(a) the identity of the deceased whose remains are to undergo the alkaline hydrolysis process; and
(b) the authorizing agent's authority to order the alkaline hydrolysis process.

(2) A funeral service establishment may rely upon the representations made by an authorizing agent under Subsection (1).

(3) The authorizing agent is personally and individually liable for all damage resulting from a misstatement or misrepresentation made under Subsection (1).

(4)
(a) A funeral service establishment may arrange for the alkaline hydrolysis process upon receipt of an alkaline hydrolysis authorization form signed by an authorizing agent.

(b) A funeral service establishment that arranges the alkaline hydrolysis process or releases or disposes of human remains from the alkaline hydrolysis process pursuant to an alkaline hydrolysis authorization form is not liable for an action the funeral service establishment takes pursuant to that authorization.

(5) A funeral service establishment is not responsible or liable for any valuables delivered to the establishment with human remains.

(6) A funeral service establishment may refuse to arrange for the alkaline hydrolysis process of a decedent, to accept human remains for the alkaline hydrolysis process, or to perform the alkaline hydrolysis process:

(a) if the establishment is aware of a dispute concerning the disposition of the human remains and the funeral service establishment has not received a court order or other suitable confirmation that the dispute has been resolved;

(b) if the establishment has a reasonable basis for questioning any of the representations made by an authorizing agent; or

(c) for any other lawful reason.

(7)

(a) If a funeral service establishment is aware of a dispute concerning the release or disposition of remains from the alkaline hydrolysis process in the funeral service establishment's possession, the establishment may refuse to release the remains until:

(i) the dispute has been resolved; or

(ii) the funeral service establishment has received a court order authorizing the release or disposition of the remains.

(b) A funeral service establishment is not liable for its refusal to release or dispose of remains from the alkaline hydrolysis process in accordance with this Subsection (7).

Enacted by Chapter 326, 2018 General Session

58-9-619 Exception for disposition of fetal remains.

(1) As used in this section, "fetal remains" means the same as that term is defined in Section 26B-8-101.

(2) Notwithstanding any other provision in this part, a funeral service establishment:

(a) is exempt from any requirement to name the miscarried fetus or the aborted fetus:

(i) for the purpose of identifying the fetal remains; or

(ii) for any record keeping requirements under this chapter; and

(b) is not required to obtain a death certificate or fetal death certificate for the cremation or disposition of fetal remains that are less than 20 weeks in gestational age.

Enacted by Chapter 251, 2020 General Session

Part 7
Preneed Funeral Arrangement Requirements

58-9-701 Preneed contract requirements.

(1)

(a) A preneed funeral arrangement sold in Utah shall be evidenced by a written contract.

(b) The funeral service establishment shall maintain a copy of the contract until five years after all of the establishment's obligations under the contract have been executed.

(2) The form for a written contract of a preneed funeral arrangement under Subsection (1) shall:

(a) be written in clear and understandable language printed in an easy-to-read type size and font;

(b) bear the preprinted name, address, telephone number, and license number of the funeral service establishment obligated to provide the services under the contract terms;

(c) clearly identify that the contract is a guaranteed product contract;

(d) provide that a trust is established in accordance with the provisions of Section 58-9-702;

(e) if the contract is funded by an insurance policy or product, provide that the insurance policy or product is filed with the Insurance Department and meets the requirements of Title 31A, Insurance Code; and

(f) conform to other standards created by rules made by division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to protect the interests of buyers and potential buyers.

(3) A preneed funeral arrangement contract shall provide for payment by the buyer in a form which may be liquidated by the funeral service establishment within 30 days after the day the funeral service establishment or sales agent receives the payment.

(4) A preneed funeral arrangement contract may not be revocable by the funeral service establishment except:

(a) in the event of nonpayment; and

(b) under terms and conditions clearly set forth in the contract.

(5)

(a) A preneed funeral arrangement contract may not be revocable by the buyer or beneficiary except:

(i) in the event of:

(A) a substantial contract breach by the funeral service establishment; or

(B) substantial evidence that the funeral service establishment is or will be unable to provide the personal property or services to the beneficiary as provided under the contract; or

(ii) under terms and conditions clearly set forth in the contract.

(b) The preneed funeral arrangement contract shall contain a clear statement of the manner in which payments made on the contract shall be refunded to the buyer or beneficiary upon revocation by the beneficiary.

(6)

(a) A preneed funeral arrangement contract shall provide the buyer the option to require the funeral service establishment to furnish a written disclosure to a person who does not live at the same residence as the buyer.

(b) The preneed funeral arrangement buyer may choose:

(i) a full disclosure containing a copy of the entire preneed funeral arrangement contract;

(ii) a partial disclosure informing the recipient of:

(A) the existence of a preneed funeral arrangement contract; and

(B) the name, address, telephone number, and license number of the funeral service establishment obligated to provide the services under the preneed funeral arrangement contract; or

(iii) not to require the funeral service establishment to furnish a written disclosure to another person.

Amended by Chapter 30, 2012 General Session

58-9-702 Payments to be held in trust -- Trustee qualifications.

(1) All money representing payments for the purchase of a preneed funeral arrangement shall be deposited by the provider or sales agent receiving the payment:
  (a) within 10 business days after the day on which the provider or sales agent receives the payment in the form of cash or cash equivalent; or
  (b) within 35 calendar days after the day on which the provider or sales agent receives the payment in the form of a negotiable instrument.
(2) All money received under Subsection (1) shall be placed in a trust account naming as trustee a Utah financial institution authorized to engage in the trust business under Title 7, Chapter 5, Trust Business.

Enacted by Chapter 49, 2003 General Session

58-9-703 Trust agreement.
(1) Each trust established by a funeral service establishment shall be administered in accordance with a trust agreement conforming with:
  (a) the requirements of this chapter;
  (b) rules adopted with respect to this chapter;
  (c) the provisions of Title 75B, Chapter 2, Uniform Trust Code; and
  (d) all other state and federal laws applicable to trusts and trust agreements.
(2) Each trust agreement shall require that the funeral service establishment maintain a copy of the trust agreement until five years after all of its obligations under the trust agreement have been executed or transferred.
(3) Each trust agreement shall require that the trustee:
  (a) separately account for each contract; and
  (b) separately record payments with respect to each contract made into the corpus of the trust.
(4) Each trust agreement shall provide for distributions from the trust in accordance with the provisions of this chapter upon:
  (a) the death of the beneficiary;
  (b) revocation of the contract by the funeral service establishment upon nonpayment by the buyer; or
  (c) revocation of the contract by the beneficiary or buyer.

Amended by Chapter 310, 2025 General Session

58-9-704 Interest earned on trust funds.
Interest earned on trust funds shall be available for expenditure according to the following priority:
(1) to pay the reasonable trustee expenses of administering the trust within a maximum amount established by rule;
(2) to pay within a maximum amount established by rule under Section 58-9-504 the reasonable provider expenses associated with:
  (a) the sale of the plan;
  (b) administering the collection, remittance, and accounting of the amount of payments made into the corpus of the trust; and
  (c) reporting required with respect to those contracts:
    (i) that have been sold; and
    (ii) under which the provider is obligated;

(3) to pay the costs of providing any of the following for which the provider is obligated under a specific outstanding preneed funeral arrangement contract:
(a) personal property; and
(b) services at need; and
(4) to pay the provider available funds left in the individual trust account after:
(a) all costs of providing personal property and services for which the provider is obligated under the contract underlying the trust; or
(b)
(i) the contract is canceled as provided under this chapter; and
(ii) all amounts payable to the buyer, beneficiary, or any other person have been paid in full.

Enacted by Chapter 49, 2003 General Session

58-9-705 Distribution of funds.
(1) Interest earned on trust funds shall be available to the provider according to the priority set forth in Section 58-9-704.
(2) The amount of payments made into the corpus of the trust and any other amount which has been paid into the corpus of the trust shall be paid to the provider in the amount credited to a specific account upon the event of one of the following:
(a) the death of the beneficiary which shall be demonstrated to the trustee by the provider by furnishing to the trustee:
(i) a request for payment from the trust; and
(ii) a certified copy of the death certificate of the beneficiary; or
(b) revocation of the preneed funeral arrangement contract by either the provider or the buyer according to the terms and conditions of the contract, which shall be demonstrated to the trustee by the provider by furnishing to the trustee satisfactory evidence that:
(i) the contract has been revoked; and
(ii) the provider has paid all funds due to the buyer or beneficiary.
(3) Upon an order of a court having jurisdiction, all amounts that have been paid into the corpus of the trust shall be paid to the buyer or beneficiary in the event of:
(a) a judgment to the benefit of a buyer or beneficiary upon a finding that:
(i) the provider is in substantial breach of the contract; or
(ii) there is substantial evidence that the provider is or will be unable to provide the personal property or services to the beneficiary under the contract;
(b) a judgment of bankruptcy against the provider; or
(c) a finding by the court that determines the funds should be rightfully returned to the buyer or beneficiary.

Amended by Chapter 353, 2008 General Session

58-9-706 Trust funds and insurance reports.
(1)
(a) Each funeral service establishment shall maintain an annual report of preneed trust funds and insurance.
(b) The report shall contain:
(i) the name of the trustees with which the funeral service establishment has trust funds on deposit; and
(ii) the amount remaining on deposit in the trust fund on:

(A) December 31 of the preceding year; or
(B) another annual reporting period as the division may establish.
(2) Each funeral service establishment may be audited by the division at any time.

Amended by Chapter 144, 2007 General Session

58-9-707 Records of trustee -- Contents.
(1) The trustee shall keep an orderly record of all agreements.
(2) The record shall contain:
(a) the name and address of the person making a payment;
(b) the date and the amount of each payment made;
(c) the date and amount of each withdrawal and to whom paid; and
(d) the name of the bank or trust company depository.

Amended by Chapter 144, 2007 General Session

58-9-708 Audits.
(1)
(a) The division may at any time:
(i) audit records of the provider; and
(ii) inspect records of the provider.
(b) The provider or trustee shall make available to the division for examination, inspection, or auditing all records pertaining to the accounts relating to:
(i) any contract sold under this chapter; and
(ii) any trust established under this chapter.
(2)
(a) The director may employ experts from outside the division if special need exists to perform examinations, inspections, and audits under this section.
(b) The provider shall be responsible for payment to the division of all reasonable and necessary costs related to the employment of experts under this section.

Enacted by Chapter 49, 2003 General Session

Chapter 11a
Cosmetology and Associated Professions Licensing Act

Part 1
General Provisions

58-11a-101 Title.
This chapter is known as the "Cosmetology and Associated Professions Licensing Act."

Amended by Chapter 342, 2017 General Session

58-11a-102 Definitions.

As used in this chapter:

(1) "Approved apprenticeship" means an apprenticeship that meets the requirements of Section 58-11a-306 for any applicable license or permit type and the requirements established by administrative rules made by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) "Board" means the Cosmetology and Associated Professions Licensing Board created in Section 58-11a-201.

(3)

(a) "Cosmetic medical device" means a nonablative tissue altering energy based device, including a laser, that is expected or intended to alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove living tissue.

(b) "Cosmetic medical device" includes:

(i) American National Standards Institute designated Class IIIb and Class IV lasers;

(ii) devices that utilize intense pulsed light;

(iii) radio frequency devices; and

(iv) lipolytic devices.

(c) "Cosmetic medical device" does not include an American National Standards Institute designated Class IIIa and lower powered device.

(4) "Dermaplane" means the use of a scalpel or bladed instrument to shave the upper layers of the stratum corneum.

(5) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is physically present in the same building as the apprentice or student and readily able to establish direct contact with the apprentice or student for consultation, advice, instruction, and evaluation.

(6) "Division" means the Division of Professional Licensing, created in Section 58-1-103.

(7)

(a) "Hair braiding" means the twisting, weaving, or interweaving of an individual's natural human hair.

(b) "Hair braiding" includes the following methods or styles:

(i) African-style braiding;

(ii) box braids;

(iii) cornrows;

(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) "Permit" means a safety permit that gives the holder authority to perform certain services.
(13) "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) "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) "Salon" means a place, shop, or establishment in which an individual licensed or permitted under this chapter practices the individual's discipline.
(16) "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) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-11a-502.
(18) "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.

Repealed and Re-enacted by Chapter 491, 2025 General Session

58-11a-103 Education and enforcement fund.

(1) There is created an expendable special revenue fund known as the "Cosmetology and Associated Professions Education and Enforcement Fund."
(2) The fund consists of money from administrative penalties collected pursuant to this chapter.
(3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
  (a) education and training of licensees under this chapter;
  (b) education and training of the public or other interested persons in matters concerning the laws governing the practices licensed under this chapter; and
  (c) enforcement of this chapter by:
    (i) investigating unprofessional or unlawful conduct; and
    (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
(5) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 342, 2017 General Session

Part 2
Board

58-11a-201 Board.
(1) There is created the Cosmetology and Associated Professions Licensing Board consisting of the following members:
  (a)
    (i) one cosmetologist; or
    (ii) one cosmetologist instructor;
  (b)
    (i) one master esthetician; or
    (ii) one master esthetician instructor;
  (c)
    (i) one nail technician; or
    (ii) one nail technician instructor;
  (d)
    (i) one electrologist; or
    (ii) one electrologist instructor;
  (e) one representative of a licensed school that is publicly funded;
  (f) one representative of a licensed school that is privately funded;
  (g) one supervisor as defined in Section 58-1-505; and
  (h) two members from the general public.
(2)
  (a) The board shall be appointed and serve in accordance with Section 58-1-201.
  (b) Except for the members specified in Subsections (1)(e) and (1)(f), a member may not participate as a representative of a licensed school.
(3)

(a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203.
(b) The board shall designate one of the board members on a permanent or rotating basis to:
(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(ii) advise the division in the division's investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of the complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 491, 2025 General Session

Part 3
Licensing

58-11a-301 Licensure or permit required.
(1) Subject to Subsection (2), a person must be licensed or permitted as required under this chapter to practice a discipline regulated by this chapter.
(2) An individual is not required to be licensed or permitted if the individual:
(a) is a registered apprentice in accordance with this chapter; or
(b) qualifies for an exemption under:
(i) Section 58-1-307; or
(ii) Section 58-11a-304.

Repealed and Re-enacted by Chapter 491, 2025 General Session

58-11a-302 General qualifications for licensure and permitting.
(1) An applicant for a license or permit under this chapter shall:
(a)
(i) submit an application in a form the division approves; and
(ii) pay a fee the division determines in accordance with Section 63J-1-504;
(b) provide satisfactory documentation of completion of required minimum service counts, that the applicant's school certifies, or, if under an apprenticeship, the applicant's supervisor; and:
(i) compliance with educational requirements of the respective license or permit; or
(ii) completion of an approved apprenticeship; and
(c) pass an examination, as the division requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2)
(a) The division shall establish administrative rules to determine how many hours for an existing license or permit that an applicant may credit towards the hours required for an additional permit or license.
(b) An individual that holds a legacy cosmetology/barbering license may count 600 hours as a cosmetologist to satisfy the 1,200 total hours requirement for a master esthetics license.

Amended by Chapter 64, 2026 General Session

58-11a-302.5 Online curriculum for a licensed school.

A school licensed under this chapter may offer up to 50% of the school's total per program curriculum online in accordance with standards that an applicable nationally recognized accrediting organization adopts.

Amended by Chapter 64, 2026 General Session

58-11a-302.10 Practice of barbering -- Barbering permit -- Qualifications.

(1) The practice of barbering includes:
  (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
  (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
  (c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
  (d) removing hair from the face or neck of an individual by using shaving equipment, including an electric trimmer; and
  (e) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
(2) An individual may not engage in the practice of barbering unless the individual holds a barbering permit.
(3) An applicant for a barbering permit shall comply with the requirements in Section 58-11a-302 and:
  (a) attend a licensed or recognized school and complete a curriculum that:
    (i) covers:
      (A) hair safety requirements; and
      (B) barbering; and
    (ii) has a minimum of 130 hours of instruction or the equivalent number of credit hours; or
  (b) complete an approved barber apprenticeship.
(4) If the applicant graduates from a recognized school with less than 130 hours of instruction, the applicant may count hours practiced as a barber in a jurisdiction other than Utah to satisfy the 130 total hours requirement.
(5) An individual with a barbering permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.11 Practice of basic esthetics -- Basic esthetics permit -- Qualifications.

(1) The practice of basic esthetics means any one of the following skincare procedures done on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
  (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor; or
  (b) manual hair removal.
(2) An individual may not engage in the practice of basic esthetics unless the individual holds a basic esthetics permit.
(3) An applicant for a basic esthetics permit shall comply with the requirements in Section 58-11a-302 and:
  (a) attend a licensed or recognized school and complete a curriculum that:

(i) covers:
(A) basic esthetics; and
(B) manual hair removal; and
(ii) has a minimum of 200 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved basic esthetics permit apprenticeship.
(4) If the applicant graduates from a recognized school with less than 200 hours of instruction, the applicant may count hours practiced as an esthetician in a jurisdiction other than Utah to satisfy the 200 total hours requirement.
(5) An individual with a basic esthetics permit is not considered an esthetician for purposes of Section 58-1-506.
(6) An individual with a basic esthetics permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.12 Practice of chemical hair services -- Chemical hair services permit -- Qualifications.
(1) The practice of chemical hair services includes bleaching, tinting, coloring, relaxing, permanent waving, or similarly treating the hair of the head of an individual.
(2) An individual may not engage in the practice of chemical hair services unless the individual holds a chemical hair services permit.
(3) An applicant for a chemical hair service permit shall comply with the requirements in Section 58-11a-302 and:
(a) attend a licensed or recognized school and complete a curriculum that:
(i) covers chemical hair services; and
(ii) has a minimum of 260 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved chemical hair service apprenticeship.
(4) If the applicant graduates from a recognized school with less than 260 hours of instruction, the applicant may count hours practiced as a chemical hair service technician in a jurisdiction other than Utah to satisfy the 260 total hours requirement.
(5) An individual with a chemical hair services permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.13 Practice of cosmetology -- Cosmetology license -- Qualifications.
(1) The practice of cosmetology includes:
(a) styling, arranging, dressing, curling, waving, cleaning, singeing, bleaching, tinting, coloring, permanent waving, or similarly treating the hair of the head of an individual;
(b) cutting, clipping, or trimming the hair by using scissors, shears, clippers, or other appliances;
(c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
(d) removing hair from the face or neck of an individual by using shaving equipment;
(e) arching eyebrows by tweezing or waxing, tinting eyelashes or eyebrows, or perming eyelashes or eyebrows;
(f) manual hair removal;
(g) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor;

(h) limited chemical exfoliation as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(i) cutting, curling, styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
(j) practicing hair weaving or hair fusing or servicing previously medically implanted hair;
(k) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or enhancing the appearance of the hands, feet, and nails of an individual by using the cosmetologist's hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
(l) natural nail manicures and pedicures;
(m) applying and removing sculptured or artificial nails; and
(n) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
(2) An individual may not engage in the practice of cosmetology unless the individual holds a cosmetology license.
(3) An applicant for a cosmetology license shall comply with the requirements in Section 58-11a-302 and:
(a) attend a licensed or recognized school and complete a curriculum that:
(i) covers:
(A) barbering;
(B) haircutting;
(C) chemical hair services;
(D) manual hair removal;
(E) eyelash and eyebrow technology, except for eyelash extensions;
(F) basic esthetics; and
(G) nail technology; and
(ii) has a minimum of 1,250 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved cosmetologist apprenticeship.
(4) If the applicant graduates from a recognized school with less than 1,250 hours of instruction, the applicant may count hours practiced as a cosmetologist in a jurisdiction other than Utah to satisfy the 1,250 total hours requirement.
(5) An individual with a cosmetology license may be known as a cosmetologist or a barber.
(6) An individual with a cosmetology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Amended by Chapter 64, 2026 General Session

58-11a-302.14 Practice of electrology -- Electrology license -- Qualifications.
(1) The practice of electrology includes removing superfluous hair:
(a) from the body and face of an individual by using electricity, waxing, shaving, or tweezing; and
(b) by using a laser pursuant to requirements described in Section 58-1-506.
(2) An individual may not engage in the practice of electrology unless the individual holds an electrology license.
(3) An applicant for an electrology 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) laser hair removal;
(B) electrolysis; and

(C) waxing; and
(ii) has a minimum of 600 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved electrology technician apprenticeship.
(4) If the applicant graduates from a recognized school with less than 600 hours of instruction, the applicant may count hours practiced as a licensed electrologist in a jurisdiction other than Utah to satisfy the 600 total hours requirement.
(5) An individual with an electrology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.15 Practice of eyelash and eyebrow technology -- Eyelash and eyebrow technology license -- Qualifications.
(1) The practice of eyelash and eyebrow technology includes arching eyebrows by tweezing or waxing, tinting eyelashes or eyebrows, facial waxing, perming eyelashes or eyebrows, and applying eyelash or eyebrow extensions.
(2) An individual may not engage in the practice of eyelash and eyebrow technology unless the individual holds an eyelash and eyebrow technology license.
(3) An applicant for an eyelash and eyebrow technology 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 eyelash and eyebrow technology; and
(ii) has a minimum of 270 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved eyelash and eyebrow apprenticeship.
(4) If the applicant graduates from a recognized school with less than 270 hours of instruction, the applicant may count hours practiced as a licensed eyelash and eyebrow technician in a jurisdiction other than Utah to satisfy the 270 total hours requirement.
(5) An individual with an eyelash and eyebrow technology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.16 Practice of facial hair removal -- Facial hair removal permit -- Qualifications.
(1) The practice of facial hair removal includes cleansing, applying oil and antiseptics, and manual hair removal on the face.
(2) An individual may not engage in the practice of facial hair removal unless the individual holds a facial hair removal permit.
(3) An applicant for a facial hair removal permit 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 facial hair removal; and
(ii) has a minimum of 50 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved facial hair removal apprenticeship.
(4) If the applicant graduates from a recognized school with less than 50 hours of instruction, the applicant may count hours practiced as a permitted facial hair removal technician in a jurisdiction other than Utah to satisfy the 50 total hours requirement.
(5) An individual with a facial hair removal permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.17 Practice of haircutting -- Haircutting permit -- Qualifications.

(1) The practice of haircutting includes:
  (a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
  (b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
  (c) hair fusing and extensions; and
  (d) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
(2) An individual may not engage in the practice of haircutting unless the individual holds a haircutting permit.
(3) An applicant for a haircutting permit 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) hair safety requirements; and
      (B) haircutting; and
    (ii) has a minimum of 150 hours of instruction or the equivalent number of credit hours; or
  (b) complete an approved haircutting apprenticeship.
(4) If the applicant graduates from a recognized school with less than 150 hours of instruction, the applicant may count hours practiced as a haircutting technician in a jurisdiction other than Utah to satisfy the 150 total hours requirement.
(5) An individual with a haircutting permit may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.18 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 administrative rules made by the division;
    (iv) callous removal by buffing or filing;
    (v) sanding, including microdermabrasion;
    (vi) advanced extraction;
    (vii) dermaplaning;
    (viii) other esthetic preparations or procedures that use:
      (A) the hands; or
      (B) a mechanical or electrical apparatus that is approved for use by administrative rules made by the division;
    (ix) the use of a cosmetic medical device to perform nonablative procedures, including:
      (A) laser hair removal;
      (B) body contouring;
      (C) anti-aging resurfacing enhancements; and

(D) photo rejuvenation;
(x) lymphatic massage by manual or other means as defined by administrative rules made by the division;
(xi) manual hair removal;
(xii) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays or masks, and manual extraction, including a comedone extractor;
(xiii) natural nail manicures and pedicures; and
(xiv) eyelash and eyebrow technology.
(b) An individual with a master esthetics license may not perform any service described in Subsection (1)(a) for the treatment of medical, physical, or mental ailments.
(c) An individual with a master esthetics license may perform:
(i) a procedure described in Subsections (1)(a)(ix)(A) through (D) pursuant to the requirements described in Section 58-1-506; and
(ii) chemical exfoliation pursuant to the supervision requirements established by administrative rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(d) Except as required in Subsection (1)(c), a procedure described in this section that is performed by an individual with a master esthetics 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;
(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).

Enacted by Chapter 491, 2025 General Session

58-11a-302.19 Practice of master hair design and master barbering -- Master hair design license and master barbering license -- Qualifications.

(1) The practice of master hair design and practice of master barbering includes:
(a) styling, arranging, dressing, curling, or waving the hair of the head of an individual;
(b) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
(c) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
(d) hair fusing and extensions;
(e) removing hair from the face or neck of an individual by using shaving equipment;

(f) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or both on the human head;
(g) practicing hair weaving, hair fusing, or servicing previously medically implanted hair;
(h) when providing other services described in this Subsection (1), gently massaging the head, back of the neck, and shoulders by manual or mechanical means; and
(i) permanently waving, bleaching, tinting, coloring, relaxing, or similarly treating the hair of the head of an individual.
(2) An individual may not engage in the practice of master hair design or master barbering unless the individual holds a master hair design license or master barbering license.
(3) An applicant for a master hair design license or master barbering 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) hair safety requirements;
(B) haircutting and barbering; and
(C) chemical hair services; and
(ii) has a minimum of 1,000 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved master hair design or an approved master barbering apprenticeship.
(4) If the applicant graduates from a recognized school with less than 1,000 hours of instruction, the applicant may count hours practiced as a licensed master hair designer or master barber in a jurisdiction other than Utah to satisfy the 1,000 total hours requirement.
(5) An individual with a master hair design license or master barbering license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.20 Practice of nail technology -- Nail technology license -- Qualifications.
(1) The practice of nail technology includes:
(a) trimming, cutting, cleaning, manicuring, shaping, massaging hands to elbows and feet to knees, or enhancing the appearance of the hands, feet, and nails of an individual by using the nail technician's hands, mechanical or electrical preparation, antiseptic, lotion, or cream;
(b) applying and removing sculptured or artificial nails; and
(c) using blades, including corn or callus planer or rasp, for smoothing, shaving, or removing dead skin from the feet.
(2) An individual may not engage in the practice of nail technology unless the individual holds a nail technology license.
(3) An applicant for a nail technology 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) manicures and pedicures; and
(B) artificial nails; and
(ii) has a minimum of 300 hours of instruction or the equivalent number of credit hours; or
(b) complete an approved nail technology apprenticeship.
(4) If the applicant graduates from a recognized school with less than 300 hours of instruction, the applicant may count hours practiced as a licensed nail technician in a jurisdiction other than Utah to satisfy the 300 total hours requirement.

(5) An individual with a nail technology license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 491, 2025 General Session

58-11a-302.21 Licensed instructor -- Qualifications.

(1) An applicant for licensure as an instructor shall:
  (a) submit an application in a form the division approves;
  (b) subject to Subsection (4), pay a fee the division determines in accordance with Section 63J-1-504;
  (c) provide satisfactory documentation that the applicant is currently licensed or permitted in the discipline that the applicant is seeking to instruct;
  (d) provide satisfactory documentation that the applicant has completed six months of work experience in the discipline the applicant intends to instruct and:
    (i) an instructor training program of 75 clock hours; or
    (ii) an on-the-job training program of 75 clock hours; and
  (e) meet the examination requirement the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) An applicant for an instructor license or permit under this chapter whose education in the discipline for which a license or permit is sought was completed at a foreign school may satisfy the educational requirement for licensure by demonstrating, to the satisfaction of the division, the educational equivalency of the foreign school education with a licensed school under this chapter.

(3)
  (a) An individual may not instruct a discipline unless the individual has an instructor license that allows instruction of that discipline.
  (b) The division shall make rules establishing which disciplines each type of instructor license may instruct.

(4) The division may not charge a fee to an individual applying for licensure as an instructor under this chapter if the individual is a licensed instructor in any other discipline under this chapter.

(5) The division may offer any examination this section requires that a national testing organization prepares.

(6) For purposes of a national accrediting agency that the United States Department of Education recognizes, on-the-job instructor training described in this section is not considered a program.

Amended by Chapter 64, 2026 General Session

58-11a-302.22 Licensed school -- Qualifications.

(1) An applicant for licensure as a licensed school shall:
  (a) submit an application in a form prescribed by the division;
  (b) pay a fee determined by the division under Section 63J-1-504; and
  (c) provide satisfactory documentation:
    (i) of appropriate registration with the Division of Corporations and Commercial Code;
    (ii) of business licensure from the municipality in which the school is located;
    (iii) that the applicant's physical facilities comply with the requirements established by administrative rules made by the division; and
    (iv) that the applicant meets the standards established by administrative rules made by the division, including staff, curriculum, and accreditation requirements.

(2)
(a) Except as provided in Subsection (2)(b), a school licensed or applying for licensure under this chapter shall maintain recognition as an institution of postsecondary study by meeting the following conditions:
(i) the school shall admit as a regular student only an individual who has earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6, Part 2, Compulsory Education; and
(ii) the school shall be licensed by name, or in the case of an applicant, shall apply for licensure by name, under this chapter to offer one or more training programs beyond the secondary level.
(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall establish administrative rules for licensure for a local education agency, technical college, a degree-granting institution with a technical college mission, or private school that primarily serves secondary students.
(c) Nothing in this section precludes a local education agency, technical college, a degree-granting institution with a technical college mission, or private school from administering a licensed program for secondary students.
(3) A school licensed under this section shall accept credit hours towards graduation for documented, relevant, and substantially equivalent coursework previously completed by:
(a) a student that completed only a portion of the student's education while attending a different school or apprenticeship; or
(b) an individual licensed or permitted under this chapter, based on the individual's schooling, apprenticeship, or experience.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the division may make rules governing the acceptance of credit hours.

Enacted by Chapter 491, 2025 General Session

58-11a-302.23 Practice of esthetics -- Legacy esthetics license -- Qualifications.
(1) Except as provided in Subsection (3), the division may not issue a legacy esthetics license after January 1, 2026.
(2) An individual with a legacy esthetics license may perform any of the following skincare procedures done on the face or body for cosmetic purposes and not for the treatment of medical, physical, or mental ailments:
(a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or masks, and manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous removal by buffing or filing;
(b) limited chemical exfoliation as defined by rule;
(c) manual hair removal;
(d) other esthetic preparations or procedures with the use of the hands, a high-frequency or galvanic electrical apparatus, or a heat lamp;
(e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or applying eyelash or eyebrow extensions; or
(f) subject to the requirements described in Section 58-1-506:
(i) laser hair removal;
(ii) anti-aging resurfacing enhancements; or

(iii) photo rejuvenation.
(3) The division shall grant a legacy esthetics license to an individualwho:
(a)
(i) has registered an esthetics apprenticeship that meets the requirements of Subsection (4)(a) with the division on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(a); or
(b)
(i) has enrolled and started an esthetics program that meets the requirements of Subsection (4)(b) with a licensed school on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(b).
(4)
(a) An individual described in Subsection (3)(a) shall complete at least 800 hours of apprenticeship training that is supervised by a licensed esthetics instructor who provides one-on-one supervision of the apprentice during the apprenticeship.
(b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 600 hours or the equivalent number of credit hours.
(5) An individual with a legacy esthetics license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Amended by Chapter 64, 2026 General Session

58-11a-302.24 Practice of barbering -- Legacy barbering license -- Qualifications.
(1) Except as provided in Subsection (3), the division may not issue a legacy barbering license after January 1, 2026.
(2) An individual with a legacy barbering license may engage in the practice of barbering, which includes:
(a) cutting, clipping, or trimming the hair of the head of an individual by using scissors, shears, clippers, or other appliances;
(b) engaging in draping, shampooing, scalp treatments, basic wet styling, and blow drying;
(c) cutting, wet styling, fitting, measuring, or forming caps for wigs and hairpieces on the human head;
(d) removing hair from the face or neck of an individual by using shaving equipment; and
(e) when providing other services described in this Subsection (2), gently massaging the head, back of the neck, and shoulders by manual or mechanical means.
(3) The division shall grant a legacy barbering license to an individual who:
(a)
(i) has registered a barbering apprenticeship that meets the requirements of Subsection (4)(a) with the division on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(a); or
(b)
(i) has enrolled and started a barbering program that meets the requirements of Subsection (4)(b) with a licensed school on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(b).
(4)
(a) An individual described in Subsection (3)(a) shall complete at least 1,250 hours of apprenticeship training that is supervised by a licensed barbering instructor who provides one-on-one supervision of the apprentice during the apprenticeship.

(b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 1,000 hours or the equivalent number of credit hours.
(5) An individual with a legacy barbering license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Amended by Chapter 64, 2026 General Session

58-11a-302.25 License transitions.

Beginning on January 1, 2026:
(1) a cosmetology/barbering license shall be renewed as a legacy cosmetology/barbering license;
(2) a master-level esthetics license shall be renewed as a master esthetics license;
(3) a hair design license shall be renewed as a master hair design license or a master barbering license;
(4) an individual with a barbering license may renew the license as a legacy barbering license; and
(5) an individual with an esthetics license may renew the license as a legacy esthetics license.

Amended by Chapter 64, 2026 General Session

58-11a-302.26 Practice of cosmetology/barbering -- Legacy cosmetology/barbering license -- Qualifications.

(1) Except as provided in Subsection (3), the division may not issue a legacy cosmetology/barbering license after January 1, 2026.
(2) An individual with a legacy cosmetology/barbering license may engage in the practice of cosmetology/barbering, which includes the scope of practice for:
(a) a cosmetology license under Subsection 58-11a-302.13(1); and
(b) a legacy esthetics license under Subsection 58-11a-302.23(2).
(3) The division shall grant a legacy cosmetology/barbering license to an individual who:
(a)
(i) has registered a cosmetology/barbering apprenticeship that meets the requirements of Subsection (4)(a) with the division on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(a); or
(b)
(i) has enrolled and started a cosmetology/barbering program that meets the requirements of Subsection (4)(b) with a licensed school on or before January 1, 2026; and
(ii) completes the requirements described in Subsection (4)(b).
(4)
(a) An individual described in Subsection (3)(a) shall complete at least 2,500 hours of cosmetology/barbering apprenticeship training that is supervised by a licensed cosmetology/barbering instructor who provides one-on-one supervision of the apprentice during the apprenticeship.
(b) An individual described in Subsection (3)(b) shall graduate from a licensed school with a minimum of 1,600 hours or the equivalent number of credit hours.
(5) An individual with a legacy cosmetology/barbering license may apply credit hours to another license or permit under this chapter, as allowed in Subsection 58-11a-302(2).

Enacted by Chapter 64, 2026 General Session

58-11a-303 Terms of license -- Expiration -- Renewal.

(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule, except that an instructor license is a one-time certificate and does not expire unless the licensee fails to keep current the license that qualified the licensee to be an instructor under Section 58-11a-302.21.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal, a licensed school shall show satisfactory evidence that the school meets the standards for that type of school, including staff, curriculum, and accreditation requirements, established by rule.
(3) Each license expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 491, 2025 General Session

58-11a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in a discipline regulated by this chapter without being licensed under this chapter:
(1) an individual licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;
(2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;
(3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the individual is licensed;
(4) an individual who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;
(5) an individual who engages in a practice regulated by this chapter without compensation;
(6) an individual instructing an adult education class or other educational program directed toward individuals who are not licensed under this chapter and that is not intended to train individuals to become licensed under this chapter, provided:
(a) an attendee receives no credit toward educational requirements for licensure under this chapter;
(b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
(c)
(i) the instructor is properly licensed; or
(ii) the instructor receives no compensation;
(7) an individual providing instruction in workshops, seminars, training meetings, or other educational programs whose purpose is to provide continuing professional development to a qualified licensee or permittee regulated by this chapter;
(8) an individual enrolled in a licensed school when participating in an on the job training internship under the direct supervision of a licensee under this chapter upon completion of a basic program under the standards established by rule by the division in collaboration with the board;
(9) an individual registered with the division in an approved apprenticeship pursuant to Section 58-11a-306;
(10)

(a) an employee of a company that is primarily engaged in the business of selling products used by a qualified licensee regulated by this chapter;
(b) when demonstrating the company's products to a potential customer; and
(c) provided the employee makes no representation to a potential customer that attending the demonstration will certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter;
(11) an individual who:
(a) is qualified to engage in a practice regulated by this chapter in another jurisdiction as evidenced by licensure, certification, or lawful practice in the other jurisdiction;
(b) is employed by, or under contract with, a motion picture company; and
(c) engages in a practice regulated by this chapter in the state:
(i) solely to assist in the production of a motion picture; and
(ii) for no more than 120 days per calendar year;
(12) an individual who:
(a) engages in threading;
(b) engages in hair braiding; and
(c) is not engaged in a practice that requires a license or permit under this chapter; and
(13) an individual who:
(a) dries, styles, arranges, dresses, curls, hot irons, shampoos, or conditions hair;
(b) does not cut the hair;
(c) does not apply dye to alter the color of the hair;
(d) does not apply reactive chemicals to straighten, curl, or alter the structure of the hair;
(e) engages in thermal styling or scalp treatments;
(f) is not engaged in a practice that requires a license or permit under this chapter;
(g) provides evidence to the division that the individual has received a hair safety permit from completing a hair safety program that:
(i) is approved by the division;
(ii) consists of no more than two hours of instruction;
(iii) is offered by a provider approved by the division; and
(iv) includes an examination that requires a passing score of 75%; and
(h) displays in a conspicuous location in the individual's place of business:
(i) a valid hair safety permit as described in Subsection (13)(f); and
(ii) a sign notifying the public that the individual providing the services is not licensed under this chapter.

Amended by Chapter 491, 2025 General Session

58-11a-305 Requirement to display license.

Each licensee under this chapter shall prominently display the licensee's license at the location where the licensee engages in the practice for which that license is issued under this chapter.

Amended by Chapter 204, 2001 General Session

58-11a-306 Apprenticeship.

(1)
(a) An approved apprenticeship shall be conducted by a supervisor who:
(i) is licensed under this chapter as an instructor in the discipline of the apprenticeship; and
(ii) provides one-on-one direct supervision of the apprentice during the apprenticeship program.

(b) An apprenticeship supervisor may not provide direct supervision to more than two apprentices during the apprenticeship program.

(2) An individual seeking a license or permit through an approved apprenticeship under this chapter shall:

(a) register with the division before beginning the training requirements by:

(i) submitting a form prescribed by the division, which includes the name of the licensed instructor supervisor; and

(ii) paying a fee determined by the division under Section 63J-1-504;

(b) complete the apprenticeship within two years of the date on which the division approves the registration; and

(c) notify the division within 30 days if the licensed instructor supervisor changes after the registration is approved by the division.

(3) An individual seeking a license or permit through an approved apprenticeship under this chapter shall complete a minimum of:

(a) 1,250 apprenticeship hours for a cosmetology license;

(b) 1,200 apprenticeship hours for a master esthetics license;

(c) 1,000 apprenticeship hours for:

(i) a master barber license; or

(ii) a master hair design license;

(d) 600 apprenticeship hours for an electrology license;

(e) 300 apprenticeship hours for a nail technology license;

(f) 270 apprenticeship hours for an eyelash and eyebrow technology license;

(g) 260 apprenticeship hours for a chemical hair services permit;

(h) 200 apprenticeship hours for a basic esthetics permit;

(i) 150 apprenticeship hours for a haircutting permit;

(j) 130 apprenticeship hours for a barbering permit; or

(k) 50 apprenticeship hours for a facial hair removal permit.

Repealed and Re-enacted by Chapter 491, 2025 General Session

Part 4
License Denial and Discipline

58-11a-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 96, 1996 General Session

Part 5
Unprofessional and Unlawful Conduct - Penalties

58-11a-501 Unprofessional conduct.

Unprofessional conduct includes:

(1) a licensed school that fails to:

(a)

(i) obtain or maintain accreditation or comply with the required standard of accreditation; and

(ii) have curriculum approved by the division, as required by administrative rules made by the division; or

(b) provide adequate instruction to enrolled students;

(2) an apprenticeship supervisor that fails to:

(a) provide direct supervision to an apprentice; or

(b) comply with division rules relating to apprenticeship programs under this chapter;

(3) an instructor that fails to provide direct supervision to students who are providing services to an individual under the instructor's supervision;

(4) a person that keeps a salon or school, or the salon or school's furnishings, tools, utensils, linen, or appliances in an unsanitary condition;

(5) an individual licensed or permitted under this chapter that fails to:

(a) comply with Title 26B, Utah Health and Human Services Code;

(b) display a license or permit as required under Section 58-11a-305;

(c) comply with physical facility requirements established by administrative rules made by the division;

(d) maintain mechanical or electrical equipment in safe operating condition;

(e) adequately monitor patrons using steam rooms, dry heat rooms, baths, showers, or saunas;

(f) comply with all applicable state and local health or sanitation laws; or

(g) comply with a judgment order from a court of competent jurisdiction regarding a disagreement over tuition or education costs in relation to the requirements outlined in this chapter;

(6) an individual licensed or permitted under this chapter:

(a) prescribing or administering prescription drugs;

(b) engaging in any act or practice in a professional capacity that is outside of the applicable scope of practice;

(c) engaging in any act or practice in a professional capacity that the individual is not competent to perform through education or training; or

(d) removing proximal nail fold by e-file or other tool or inserting tools beneath the eponychium;

(7) unless the individual is under the supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license, an individual licensed or permitted under this chapter, while using a chemical exfoliant:

(a) using any acid, concentration of acid, or combination of treatments that violate the standards established by administrative rules made by the division;

(b) removing any layer of skin deeper than the stratum corneum of the epidermis; or

(c) using an exfoliant that contains phenol, trichloroacetic acid of over 15%, or bichloroacetic acid;

(8) while sanding the skin, an individual licensed or permitted under this chapter, removing any layer of skin deeper than the stratum corneum of the epidermis, unless the individual is under the supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license;

(9) using any laser procedure or intense, pulsed light source, besides a nonprescriptive laser device, unless authorized to do so by an individual's license or permit in this chapter;

(10) marketing or distinguishing an establishment as a school if the establishment is not licensed as a school under this chapter; and

(11) claiming or advertising unrealistic results for body contouring, including alleviation of psychological distress.

Repealed and Re-enacted by Chapter 491, 2025 General Session

58-11a-502 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;
(3) using or possessing a solution composed of at least 10% methyl methacrylete on a client;
(4) performing an ablative procedure as defined in Section 58-67-102;
(5) when acting as an instructor regarding a service requiring licensure under this chapter, for a class or education program where attendees are not licensed under this chapter, failing to inform each attendee in writing that:
  (a) taking the class or program without completing the requirements for licensure under this chapter is insufficient to certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and
  (b) the attendee is required to obtain licensure under this chapter before performing the service for compensation; or
(6) failing as a salon or school where nail technology is practiced or taught to maintain a source capture system required under Title 15A, State Construction and Fire Codes Act, including failing to maintain and clean a source capture system's air filter according to the manufacturer's instructions.

Amended by Chapter 339, 2020 General Session

58-11a-503 Penalties.

(1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section 58-11a-502 or who fails to comply with a citation issued under this section after the citation is final is guilty of a class A misdemeanor.
(2) Sexual conduct that violates Section 58-11a-502 and Title 76, Criminal Offenses, shall be subject to the applicable penalties in Title 76, Criminal Offenses.
(3) Grounds for immediate suspension of an individual's license or permit by the division include the issuance of a citation for violation of Subsection 58-11a-502(1), (3), (4), (5), or (6).
(4) If upon inspection or investigation, the division concludes that an individual has violated the provisions of Subsection 58-11a-502(1), (3), (4), (5), or (6), or a rule or order issued with respect to Subsection 58-11a-502(1), (3), (4), (5), or (6), and that disciplinary action is

appropriate, the director or the director's designee from within the division shall promptly issue a citation to the individual according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(5) An individual that is in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6), as evidenced by an uncontested citation, a stipulated settlement, or finding of violation in an adjudicative proceeding, may be assessed a fine in accordance with this Subsection (5) and may, in addition to or in lieu of a fine, be ordered to cease and desist from violating Subsection 58-11a-502(1), (3), (4), (5), or (6).

(6) Except for a cease and desist order, the licensure sanctions described in Section 58-11a-401 may not be assessed through a citation.

(7)

(a) Each citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated.

(b) The citation shall clearly state that the recipient shall notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(c) The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of a fine assessed by the citation within the time specified in the citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon an individual upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the individual's agent by a division investigator or by an individual specially designated by the director or by mail.

(e)

(i) If within 20 calendar days from the service of a citation, the individual to which the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license or permit of an individual that fails to comply with a citation after the citation becomes final.

(g) The failure of an applicant for licensure to comply with a citation after the citation becomes final is a ground for denial of license.

(h) The director or the director's designee from within the division may not issue a citation under this section more than one year after the date on which the violation that is the subject of the citation is reported to the division.

(i) The director or the director's designee shall assess fines as follows:

(i) for a first offense under Subsection (4), a fine of up to $1,000;

(ii) for a second offense under Subsection (4), a fine of up to $2,000; and

(iii) for any subsequent offense under Subsection (4), a fine of up to $2,000 for each day of continued offense.

(j) For purposes of issuing a final order under this section and assessing a fine under Subsection (7)(i), an offense constitutes a second or subsequent offense if:

(i) the division previously issued a final order determining that an individual committed a first or second offense in violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); or

(ii)

(A) the division initiated an action for a first or second offense;

(B) no final order has been issued by the division in the action initiated under Subsection (7)(j)(ii)(A);
(C) the division determines during an investigation that occurred after the initiation of the action under Subsection (7)(j)(ii)(A) that the individual committed a second or subsequent violation of Subsection 58-11a-502(1), (3), (4), (5), or (6); and
(D) after determining that the individual committed a second or subsequent offense under Subsection (7)(j)(ii)(C), the division issues a final order on the action initiated under Subsection (7)(j)(ii)(A).

(k) In issuing a final order for a second or subsequent offense under Subsection (7)(j), the division shall comply with the requirements of this section.

(8)
(a) A penalty imposed by the director under Subsection (7)(i) shall be deposited into the Cosmetology and Associated Professions Education and Enforcement Fund.
(b) The director may collect an unpaid penalty by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county in which the individual against whom the penalty is imposed resides or in the county where the office of the director is located.
(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 291, 2026 General Session

Chapter 13
Health Care Providers Immunity from Liability Act

58-13-1 Title.

This chapter is known as the "Health Care Providers Immunity from Liability Act."

Enacted by Chapter 253, 1996 General Session

58-13-2 Emergency care rendered by licensee.

(1) A person licensed under Title 58, Occupations and Professions, to practice as any of the following health care professionals, who is under no legal duty to respond, and who in good faith renders emergency care at the scene of an emergency gratuitously and in good faith, is not liable for any civil damages as a result of any acts or omissions by the person in rendering the emergency care:
(a) osteopathic physician;
(b) physician and surgeon;
(c) naturopathic physician;
(d) dentist or dental hygienist;
(e) chiropractic physician;
(f) physician assistant;
(g) optometrist;

(h) nurse licensed under Section 58-31b-301 or 58-31d-102;
(i) podiatrist;
(j) certified nurse midwife;
(k) respiratory care practitioner;
(l) pharmacist, pharmacy technician, and pharmacy intern;
(m) direct-entry midwife licensed under Section 58-77-301;
(n) veterinarian; or
(o) acupuncturist licensed under Chapter 72, Acupuncture Licensing Act.
(2) This Subsection (2) applies to a health care professional:
(a)
(i) described in Subsection (1); and
(ii) who is under no legal duty to respond to the circumstances described in Subsection (3);
(b) who is:
(i)
(A) activated as a member of a medical reserve corps as described in Section 26A-1-126 during the time of an emergency or declaration for public health related activities as provided in Subsection 26A-1-126(2); or
(B) participating in training to prepare the medical reserve corps to respond to a declaration of an emergency or request for public health related activities pursuant to Subsection 26A-1-126(2);
(ii) acting within the scope of:
(A) the health care professional's license; or
(B) practice as modified under Subsection 58-1-307(4) or Section 26A-1-126; and
(iii) acting in good faith without compensation or remuneration as defined in Subsection 58-13-3(2); or
(c) who is acting as a volunteer health practitioner under Title 26B, Chapter 4, Part 8, Uniform Emergency Volunteer Health Practitioners Act.
(3) A health care professional described in Subsection (2) is not liable for any civil damages as a result of any acts or omissions by the health care professional in rendering care as a result of:
(a) implementation of measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;
(b) investigating and controlling suspected bioterrorism and disease as set out in Title 26B, Chapter 7, Part 4, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases; and
(c) responding to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health-related activities.
(4) The immunity in Subsection (3) is in addition to any immunity or protection in state or federal law that may apply.
(5) For purposes of Subsection (2)(b)(iii) remuneration does not include:
(a) food supplied to the volunteer;
(b) clothing supplied to the volunteer to help identify the volunteer during the time of the emergency; or
(c) other similar support for the volunteer.

Amended by Chapter 328, 2023 General Session

58-13-2.5 Standard of proof for emergency care when immunity does not apply.

(1) A person who is a health care provider as defined in Section 78B-3-403 who provides emergency care in good faith, but is not immune from suit because of an expectation of payment, a legal duty to respond, or other reason under Section 58-13-2, may only be liable for civil damages if fault, as defined in Section 78B-5-817, is established by clear and convincing evidence.

(2) For purposes of Subsection (1), "emergency care" means the treatment of an emergency medical condition, as defined in Section 31A-1-301, from the time that the person presents at the emergency department of a hospital and including any subsequent transfer to another hospital, until the condition has been stabilized and the patient is either discharged from the emergency department or admitted to another department of the hospital.

(3) This section does not apply to emergency care provided by a physician if:

(a) the physician has a previously established physician/patient relationship with the patient outside of the emergency room;

(b) the patient has been seen in the last three months by the physician for the same condition for which emergency care is sought; and

(c) the physician can access and consult the patient's relevant medical care records while the physician is making decisions about and providing the emergency care.

(4)

(a) Nothing in this section may be construed as:

(i) altering the applicable standard of care for determining fault; or

(ii) applying the standard of proof of clear and convincing evidence to care outside of emergency care and the mandatory legal duty to treat.

(b) This section applies to emergency care given after June 1, 2009.

(5) This section sunsets in accordance with Section 63I-1-258.

Amended by Chapter 198, 2022 General Session

58-13-2.6 Emergency care rendered by a person or health care facility.

(1) For purposes of this section:

(a) "Emergency" means an unexpected occurrence involving injury, the threat of injury, or illness to a person or the public due to:

(i) a natural disaster;

(ii) bioterrorism;

(iii) an act of terrorism;

(iv) a pandemic; or

(v) other event of similar nature.

(b) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or attempt to mitigate the effects of an emergency.

(c) "Person" means the same as that term is defined in Subsection 26B-2-201(18).

(2)

(a) A person who, in good faith, assists governmental agencies or political subdivisions with the activities described in Subsection (2)(b) is not liable for civil damages or penalties as a result of any act or omission unless the person rendering the assistance:

(i) is grossly negligent;

(ii) caused the emergency; or

(iii) has engaged in criminal conduct.

(b) The following activities are protected from liability in accordance with Subsection (2)(a):

(i) implementing measures to control the causes of epidemic, pandemic, communicable diseases, or other conditions significantly affecting public health, as necessary to protect the public health in accordance with Title 26A, Chapter 1, Local Health Departments;
(ii) investigating, controlling, and treating suspected bioterrorism or disease in accordance with Title 26B, Chapter 7, Part 4, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
(iii) responding to:
(A) a national, state, or local emergency;
(B) a public health emergency as defined in Section 26B-7-301; or
(C) a declaration by the President of the United States or other federal official requesting public health related activities; and
(iv) providing a facility for use by a governmental agency or political subdivision to distribute pharmaceuticals or administer vaccines to the public.
(c) Subsection (2)(a) applies to a person even if that person has:
(i) a duty to respond; or
(ii) an expectation of payment or remuneration.
(3) The immunity in Subsection (2) is in addition to any immunity protections that may apply in state or federal law.

Amended by Chapter 328, 2023 General Session

58-13-2.7 Limited immunity during a declared major public health emergency.
(1) As used in this section:
(a) "Declared major public health emergency" means the same as that term is defined in Section 58-85-106.
(b) "Health care" means the same as that term is defined in Section 78B-3-403.
(c) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(d) "Prescription device" means the same as that term is defined in Section 58-17b-102.
(e) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
(f) "Qualified treatment" means the use of a prescription drug or prescription device:
(i) during a declared major public health emergency;
(ii) to treat a patient who has been diagnosed with the illness or condition that resulted in the declared major public health emergency; and
(iii) that has been approved for sale but not indicated by the United States Food and Drug Administration to treat the illness or condition described in Subsection (1)(f)(ii).
(2)
(a) A health care provider is immune from civil liability for any harm resulting from any act or omission in the course of providing health care during a declared major public health emergency if:
(i)
(A) the health care is provided in good faith to treat a patient for the illness or condition that resulted in the declared major public health emergency; or
(B) the act or omission was the direct result of providing health care to a patient for the illness or condition that resulted in the declared major public health emergency; and
(ii) the acts or omissions of the health care provider were not:
(A) grossly negligent; or
(B) intentional or malicious misconduct.
(b) The immunity in Subsection (2)(a) applies:

(i) even if the health care provider has a duty to respond or an expectation of payment or remuneration; and
(ii) in addition to any immunity protections that may apply under state or federal law.
(c) During a declared major public health emergency, it is not a breach of the applicable standard of care for a health care provider to provide health care that is not within the health care provider's education, training, or experience, if:
(i) the health care is within the applicable scope of practice for the type of license issued to the health care provider;
(ii)
(A) the health care is provided in good faith to treat a patient for the illness or condition that resulted in the declared major public health emergency; or
(B) there is an urgent shortage of health care providers as a direct result of the declared major public health emergency; and
(iii) providing the health care is not:
(A) grossly negligent; or
(B) intentional or malicious misconduct.
(3)
(a) A health care provider is not subject to civil liability, criminal liability, or sanctions against the health care provider's license for providing a qualified treatment to a patient if:
(i) the qualified treatment is within the scope of the health care provider's license;
(ii) if written recommendations have been issued by a federal government agency regarding the use of the qualified treatment for treatment of the illness or condition that resulted in the declared major public health emergency, the health care provider provides the qualified treatment in accordance with the most current written recommendations issued by the federal government agency;
(iii) the health care provider:
(A) describes to the patient or the patient's representative, based on the health care provider's knowledge of the qualified treatment, the possible positive and negative outcomes the patient could experience if the health care provider treats the patient with the qualified treatment; and
(B) documents in the patient's medical record the information provided to the patient or the patient's representative under Subsection (3)(a)(iii)(A) and whether the patient or the patient's representative consented to the treatment; and
(iv) the acts or omissions of the health care provider were not:
(A) grossly negligent; or
(B) intentional or malicious misconduct.
(b) If two or more written recommendations described in Subsection (3)(a)(ii) are issued by federal government agencies, a health care provider satisfies the requirement described in Subsection (3)(a)(ii) by providing the qualified treatment in accordance with the most current written recommendations of any one federal government agency.

Enacted by Chapter 8, 2020 Special Session 3

58-13-3 Qualified immunity -- Health professionals -- Charity care.
(1)
(a)
(i) The Legislature finds many residents of this state do not receive medical care and preventive health care because they lack health insurance or because of financial difficulties or cost.

(ii) The Legislature also finds that many physicians, charity health care facilities, and other health care professionals in this state would be willing to volunteer medical and allied services without compensation if they were not subject to the high exposure of liability connected with providing these services.

(b) The Legislature therefore declares that its intention in enacting this section is to encourage the provision of uncompensated volunteer charity health care in exchange for a limitation on liability for the health care facilities and health care professionals who provide those volunteer services.

(2) As used in this section:

(a) "Continuing education requirement" means the requirement for hours of continuing education, established by the division, with which a health care professional must comply to renew the health care professional's license under the applicable chapter described in Subsection (2)(c).

(b) "Health care facility" means any clinic or hospital, church, or organization whose primary purpose is to sponsor, promote, or organize uncompensated health care services for people unable to pay for health care services.

(c) "Health care professional" means a person licensed under:

(i) Chapter 5a, Podiatric Physician Licensing Act;

(ii) Chapter 16a, Utah Optometry Practice Act;

(iii) Chapter 17b, Pharmacy Practice Act;

(iv) Chapter 24b, Physical Therapy Practice Act;

(v) Chapter 31b, Nurse Practice Act;

(vi) Chapter 40, Recreational Therapy Practice Act;

(vii) Chapter 41, Speech-Language Pathology and Audiology Licensing Act;

(viii) Chapter 42a, Occupational Therapy Practice Act;

(ix) Chapter 44a, Nurse Midwife Practice Act;

(x) Chapter 49, Dietitian Certification Act;

(xi) Chapter 60, Mental Health Professional Practice Act;

(xii) Chapter 67, Utah Medical Practice Act;

(xiii) Chapter 68, Utah Osteopathic Medical Practice Act;

(xiv) Chapter 69, Dentist and Dental Hygienist Practice Act;

(xv) Chapter 70a, Utah Physician Assistant Act;

(xvi) Chapter 71, Naturopathic Physician Practice Act;

(xvii) Chapter 72, Acupuncture Licensing Act; and

(xviii) Chapter 73, Chiropractic Physician Practice Act.

(d) "Remuneration or compensation":

(i)

(A) means direct or indirect receipt of any payment by a health care professional or health care facility on behalf of the patient, including payment or reimbursement under Medicare or Medicaid, or under the state program for the medically indigent on behalf of the patient; and

(B) compensation, salary, or reimbursement to the health care professional from any source for the health care professional's services or time in volunteering to provide uncompensated health care; and

(ii) does not mean:

(A) any grant or donation to the health care facility used to offset direct costs associated with providing the uncompensated health care such as:

(I) medical supplies;

(II) drugs; or

(III) a charitable donation that is restricted for charitable services at the health care facility; or

(B) incidental reimbursements to the volunteer such as:

(I) food supplied to the volunteer;

(II) clothing supplied to the volunteer to help identify the volunteer during the time of volunteer services;

(III) mileage reimbursement to the volunteer; or

(IV) other similar support to the volunteer.

(3) A health care professional who provides health care treatment at or on behalf of a health care facility is not liable in a medical malpractice action if:

(a) the treatment was within the scope of the health care professional's license under this title;

(b) neither the health care professional nor the health care facility received compensation or remuneration for the treatment;

(c) the acts or omissions of the health care professional were not grossly negligent or willful and wanton; and

(d) prior to rendering services:

(i) the health care professional disclosed in writing to the patient, or if a minor, to the patient's parent or legal guardian, that the health care professional is providing the services without receiving remuneration or compensation; and

(ii) the patient consented in writing to waive any right to sue for professional negligence except for acts or omissions which are grossly negligent or are willful and wanton.

(4) A health care facility which sponsors, promotes, or organizes the uncompensated care is not liable in a medical malpractice action for acts and omissions if:

(a) the health care facility meets the requirements in Subsection (3)(b);

(b) the acts and omissions of the health care facility were not grossly negligent or willful and wanton; and

(c) the health care facility has posted, in a conspicuous place, a notice that in accordance with this section the health care facility is not liable for any civil damages for acts or omissions except for those acts or omissions that are grossly negligent or are willful and wanton.

(5) A health care professional who provides health care treatment at a federally qualified health center, as defined in Subsection 1905(1)(2)(b) of the Social Security Act, or an Indian health clinic or Urban Indian Health Center, as defined in Title V of the Indian Health Care Improvement Act, is not liable in a medical malpractice action if:

(a) the treatment was within the scope of the health care professional's license under this title;

(b) the health care professional:

(i) does not receive compensation or remuneration for treatment provided to any patient that the provider treats at the federally qualified health center, the Indian health clinic, or the Urban Indian Health Center; and

(ii) is not eligible to be included in coverage under the Federal Tort Claims Act for the treatment provided at the federally qualified health center, the Indian health clinic, or the Urban Indian Health Center;

(c) the acts or omissions of the health care professional were not grossly negligent or willful and wanton; and

(d) prior to rendering services:

(i) the health care professional disclosed in writing to the patient, or if a minor, to the patient's parent or legal guardian, that the health care professional is providing the services without receiving remuneration or compensation; and

(ii) the patient consented in writing to waive any right to sue for professional negligence except for acts or omissions that are grossly negligent or are willful and wanton.

(6) Immunity from liability under this section does not extend to the use of general anesthesia or care that requires an overnight stay in a general acute or specialty hospital licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

(7) The provisions of Subsection (5) apply to treatment provided by a healthcare professional on or after May 13, 2014.

(8) A health care professional:

(a) may, in accordance with Subsection (8)(b), fulfill up to 15% of the health care professional's continuing education requirement with hours the health care professional spends providing health care treatment described in Subsection (3) or (5); and

(b) subject to Subsection (8)(a), earns one hour of the health care professional's continuing education requirement for every four documented hours of volunteer health care treatment.

Amended by Chapter 328, 2023 General Session

58-13-4 Liability immunity for health care providers on committees -- Evaluating and approving medical care.

(1) As used in this section, "health care provider" has the same meaning as in Section 78B-3-403.

(2) Health care providers serving in the following capacities and the organizations or entities sponsoring these activities are immune from liability with respect to deliberations, decisions, or determinations made or information furnished in good faith and without malice:

(a) serving on committees:

(i) established to determine if hospitals and long-term care facilities are being used properly;

(ii) established to evaluate and improve the quality of health care or determine whether provided health care was necessary, appropriate, properly performed, or provided at a reasonable cost;

(iii) functioning under Pub. L. No. 89-97 or as professional standards review organizations under Pub. L. No. 92-603;

(iv) that are ethical standards review committees; or

(v) that are similar to committees listed in this Subsection (2) and that are established by any hospital, professional association, the Utah Medical Association, or one of its component medical societies to evaluate or review the diagnosis or treatment of, or the performance of health or hospital services to, patients within this state;

(b) members of licensing boards established under Title 58, Occupations and Professions, to license and regulate health care providers; and

(c) health care providers or other persons furnishing information to those committees, as required by law, voluntarily, or upon official request.

(3) This section does not relieve any health care provider from liability incurred in providing professional care and treatment to any patient.

(4) Health care providers serving on committees or providing information described in this section are presumed to have acted in good faith and without malice, absent clear and convincing evidence to the contrary.

Amended by Chapter 3, 2008 General Session

58-13-5 Information relating to adequacy and quality of medical care -- Immunity from liability.

(1) As used in this section, "health care provider" has the same meaning as defined in Section 78B-3-403.

(2)

(a) The division, and the boards within the division that act regarding the health care providers defined in this section, shall adopt rules to establish procedures to obtain information concerning the quality and adequacy of health care rendered to patients by those health care providers.

(b) It is the duty of a health care provider licensed under Title 58, Occupations and Professions, to furnish information known to the health care provider with respect to health care rendered to patients by any health care provider licensed under Title 58, Occupations and Professions, as the division or a board may request during the course of the performance of its duties.

(3) A health care facility as defined in Section 26B-2-201 which employs, grants privileges to, or otherwise permits a licensed health care provider to engage in licensed practice within the health care facility, and any professional society of licensed health care providers, shall report any of the following events in writing to the division within 60 days after the event occurs regarding the licensed health care provider:

(a) terminating employment of an employee for cause related to the employee's practice as a licensed health care provider;

(b) terminating or restricting privileges for cause to engage in any act or practice related to practice as a licensed health care provider;

(c) terminating, suspending, or restricting membership or privileges associated with membership in a professional association for acts of unprofessional, unlawful, incompetent, or negligent conduct related to practice as a licensed health care provider;

(d) subjecting a licensed health care provider to disciplinary action for a period of more than 30 days;

(e) a finding that a licensed health care provider has violated professional standards or ethics;

(f) a finding of incompetence in practice as a licensed health care provider;

(g) a finding of acts which, when considered with the functions and duties of the profession, bear a substantial relationship to the individual's ability to safely or competently perform the duties expected of a licensed health care provider; or

(h) a finding that a licensed health care provider is engaged in abuse of alcohol or drugs.

(4) This section does not prohibit any action by a health care facility, or professional society comprised primarily of licensed health care providers to suspend, restrict, or revoke the employment, privileges, or membership of a health care provider.

(5) The data and information obtained in accordance with this section is classified as a "protected" record under Title 63G, Chapter 2, Government Records Access and Management Act.

(6)

(a) Any person or organization furnishing information in accordance with this section in response to the request of the division or a board, or voluntarily, is immune from liability with respect to information provided in good faith and without malice, which good faith and lack of malice is presumed to exist absent clear and convincing evidence to the contrary.

(b) The members of the board are immune from liability for any decisions made or actions taken in response to information the board acquires if those decisions or actions are made in good faith and without malice, which good faith and lack of malice is presumed to exist absent clear and convincing evidence to the contrary.

(7) An individual who is a member of a hospital administration, board, committee, department, medical staff, or professional organization of health care providers, and any hospital, other health care entity, or professional organization conducting or sponsoring the review, is immune

from liability arising from participation in a review of a health care provider's professional ethics, medical competence, or a behavior which, when considered with the functions and duties of the profession, bears a substantial relationship to the individual's ability to safely or competently perform the duties expected of a health care provider including any mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v), or substance abuse.

(8) This section does not exempt a person licensed under Title 58, Occupations and Professions, from complying with any reporting requirements established under state or federal law.

Amended by Chapter 64, 2026 General Session

Chapter 15
Health Facility Administrator Act

Part 1
General Provisions

58-15-101 Definitions.

As used in this chapter:

(1) "Administrator" means a person that is charged with the general administration of a health facility, regardless of whether:

(a) the person has an ownership interest in the facility; or

(b) the person's functions and duties are shared with one or more persons.

(2) "Board" means the Health Facility Administrators Licensing Board created in Section 58-15-201.

(3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an intermediate care facility for individuals with an intellectual disability.

(4) "Intermediate care facility" means an institution that provides, on a regular basis, health care and services to individuals who do not require the degree of care and treatment a hospital or skilled nursing facility provides, but who require health care and services in addition to room and board.

(5) "Intermediate care facility for people with an intellectual disability" means an institution that provides, on a regular basis, health-related care and service to individuals with intellectual disabilities as defined in Section 68-3-12.5 or individuals with related conditions, who do not require the degree of care and treatment a hospital or skilled nursing facility provides, but who require health-related care and services above the need for room and board.

(6) "Skilled nursing facility" means an institution primarily providing inpatients with skilled nursing care and related services on a continuing basis for patients who require mental, medical, or nursing care, or service for the rehabilitation of an injured individual, a sick individual, or an individual with a disability.

(7) "Unprofessional conduct" as defined in Section 58-1-501 and as the division may define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, includes:

(a) intentionally filing a false report or record, intentionally failing to file a report or record that state or federal law requires, or willfully impeding or obstructing the filing of a required report.

These reports or records only include those which are signed in the capacity of a licensed health facility administrator; and

(b) the administrator acting in a manner inconsistent with the health and safety of a patient of the health facility that employs the administrator.

Amended by Chapter 64, 2026 General Session

Part 2
Board

58-15-201 Health Facility Administrators Licensing Board.

(1) There is created a Health Facility Administrators Licensing Board consisting of:

(a) one administrator from a skilled nursing facility;

(b) two administrators from intermediate care facilities;

(c) one administrator from an intermediate care facility for people with an intellectual disability; and

(d) one member from the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3)

(a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

(b) The board, in collaboration with the division, may establish continuing education requirements by rule.

(c) Board members may not receive compensation for their involvement in continuing education programs.

Renumbered and Amended by Chapter 415, 2022 General Session
Sunset by Section 63I-1-258

Part 3
Licensing

58-15-301 Licensure requirements.

(1) An applicant for a license under this chapter shall submit to the division a written application in a form prescribed by the division.

(2) After July 1, 1985, all new applicants are required to have the education or experience requirements as established by rule and as approved by the division.

(3) The applicant shall pay to the department a fee in an amount determined by the department in accordance with Section 63J-1-504 for:

(a) admission to the examination;

(b) an initial license; and

(c) a renewal license.

(4)

(a) The applicant shall pass a written examination in subjects determined by the board.

(b) Upon the applicant passing the examination described in Subsection (4)(a) and paying the license fee described in Subsection (3), the board shall recommend issuance to the applicant of a license to practice as a health facility administrator.

(5)

(a) A temporary license may be issued without examination to a person who meets the requirements established by statute and by rule for an administrator.

(b) A temporary license may be issued only:

(i) to fill a position of administrator that unexpectedly becomes vacant; and

(ii) for a single period of six months or less.

Renumbered and Amended by Chapter 415, 2022 General Session
Sunset by Section 63I-1-258

58-15-302 Term of license -- Expiration -- Renewal.

(1)

(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.

(b) A renewal period described in Subsection (1)(a) may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 415, 2022 General Session
Sunset by Section 63I-1-258

58-15-303 Exemptions to chapter.

(1) In addition to the exemptions described in Section 58-1-307, this chapter does not apply to:

(a) a facility of a recognized church or denomination that cares for the sick and suffering by mental or spiritual means if no drug or material remedy is used in the care provided; or

(b) the superintendent of the Utah State Developmental Center described in Section 26B-6-502.

(2) Any facility or person exempted under this section shall comply with each statute and rule on sanitation and life safety.

Amended by Chapter 328, 2023 General Session
Sunset by Section 63I-1-258

Part 4
License Denial and Discipline

58-15-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 415, 2022 General Session
Sunset by Section 63I-1-258

Part 5
Unlawful Conduct

58-15-501 Penalty for unlawful conduct.
A person who violates the unlawful conduct provisions defined in Subsection 58-1-501(1) is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 415, 2022 General Session
Sunset by Section 63I-1-258

Chapter 16a
Utah Optometry Practice Act

Part 1
General Provisions

58-16a-101 Short title.
This chapter is known as the "Utah Optometry Practice Act."

Enacted by Chapter 287, 1991 General Session

58-16a-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Optometrist Licensing Board created in Section 58-16a-201.
(2) "Contact lens" means any lens that:
(a) has a spherical, cylindrical, or prismatic power or curvature;
(b) is made pursuant to a current prescription; and
(c) is intended to be worn on the surface of the eye.
(3)
(a) "Contact lens prescription" means a written or verbal order for contact lenses that includes:
(i) the commencement date of the prescription;
(ii) the base curve, power, diameter, material or brand name, and expiration date;
(iii) for a written order, the signature of the prescribing optometrist or physician; and
(iv) for a verbal order, a record maintained by the recipient of:
(A) the name of the prescribing optometrist or physician; and
(B) the date when the prescription was issued or ordered.
(b) A prescription may include:
(i) a limit on the quantity of lenses that may be ordered under the prescription if required for medical reasons documented in the patient's files; and
(ii) the expiration date of the prescription, which shall be two years from the commencement date, unless documented medical reasons require otherwise.

(c) When a provider prescribes a private label contact lens for a patient the prescription shall include:
(i) the name of the manufacturer;
(ii) the trade name of the private label brand; and
(iii) if applicable, the trade name of the equivalent national brand.
(4) "Contact lens prescription verification" means a written request from a person who sells or provides contact lenses that:
(a) is sent to the prescribing optometrist or physician; and
(b) seeks the confirmation of the accuracy of a patient's prescription.
(5) "Eye and its adnexa" means the human eye and all structures situated within the orbit, including the conjunctiva, lids, lashes, and lacrimal system.
(6) "Fitting of a contact lens" means:
(a) the using of a keratometer to measure the human eye;
(b) utilizing refractive data provided by a licensed optometrist or ophthalmologist; and
(c) trial fitting of contact lenses, which includes a period of time for evaluation for fit and performance, to determine a tentative contact lens prescription for a patient if the patient:
(i) has not worn contact lenses before; or
(ii) has changed to a different type or base curve.
(7) "Laser surgery" means surgery in which human tissue is cut, burned, or vaporized by means of laser or ionizing radiation.
(8) "Ophthalmic lens" means any lens used to treat the eye and that:
(a) has a spherical, cylindrical, or prismatic power;
(b) is made pursuant to an unexpired prescription; and
(c) is intended to be used in eyeglasses or spectacles.
(9) "Optometric assistant" means an unlicensed individual:
(a) working under the direct and immediate supervision of a licensed optometrist; and
(b) engaged in specific tasks assigned by the licensed optometrist in accordance with the standards and ethics of the profession.
(10) "Optometrist" or "optometric physician" means an individual licensed under this chapter.
(11) "Optometry" and "practice of optometry" mean any one or any combination of the following practices:
(a) examination of the human eye and its adnexa to detect and diagnose defects or abnormal conditions;
(b) determination or modification of the accommodative or refractive state of the human eye or its range or power of vision by administration and prescription of pharmaceutical agents or the use of diagnostic instruments;
(c) prescription, ordering, administration, or adaptation of ophthalmic lenses, contact lenses, ophthalmic devices, pharmaceutical agents, laboratory tests, or ocular exercises to diagnose and treat diseases, defects, or other abnormal conditions of the human eye and its adnexa;
(d) display of any advertisement, circular, sign, or device offering to:
(i) examine the eyes;
(ii) fit glasses or contact lenses; or
(iii) adjust frames;
(e) removal of a foreign body from the eye or its adnexa, that is not deeper than the anterior 1/2 of the cornea; and
(f) consultation regarding the eye and its adnexa with other appropriate health care providers, including referral to other appropriate health care providers.

(12) "Pharmaceutical agent" means any diagnostic or therapeutic drug or combination of drugs that has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions or symptoms of the eye and its adnexa.
(13) "Physician" has the same meaning as defined in Sections 58-67-102 and 58-68-102.
(14) "Prescription drug" has the same definition as in Section 58-17b-102.
(15) "Unexpired" means a prescription that was issued:
(a) for ophthalmic lenses which does not expire unless the optometrist or physician includes an expiration date on the prescription based on medical reasons that are documented in the patient's file; and
(b) in accordance with Subsection (3) for a contact lens.

Amended by Chapter 339, 2020 General Session

Part 2
Board

58-16a-201 Creation of board -- Board duties and functions.

(1) There is created an Optometrist Licensing Board consisting of five optometrists and two members from the general public who do not provide eye care services.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The board's duties and responsibilities shall be in accordance with Sections 58-1-202 and 58-1-203, and as provided under this Subsection (3).
(4) The board shall designate one of its members on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(b) advise the division in its investigation of these complaints.
(5) A board member who has, under Subsection (4), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint. The board member may be disqualified:
(a) on the board member's own motion, due to actual or perceived bias or lack of objectivity; or
(b) upon challenge for cause raised on the record by any party to the adjudicative proceeding.

Amended by Chapter 302, 2025 General Session

Part 3
Licensing

58-16a-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of optometry, except as specifically provided in Section 58-1-307 or 58-16a-305.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of optometrist.

Enacted by Chapter 13, 1997 General Session

58-16a-302 Qualifications for licensure.

An applicant for licensure as an optometrist shall:

(1) submit an application in a form the division approves;

(2) pay a fee as determined by the division under Section 63J-1-504;

(3)

(a)

(i) be a doctoral graduate of a recognized school of optometry accredited by the American Optometric Association's Accreditation Council on Optometric Education; or

(ii) be a graduate of a school of optometry located outside the United States that meets the criteria that would qualify the school for accreditation under Subsection (3)(a), as demonstrated by the applicant for licensure; or

(b) if the applicant graduated from a recognized school of optometry before July 1, 1996, have successfully completed a course of study satisfactory to the division, in consultation with the board, in general and ocular pharmacology and emergency medical care;

(4) have passed examinations the division, in consultation with the board, approves and that include:

(a) a standardized national optometry examination;

(b) a standardized clinical examination; and

(c) a standardized national therapeutics examination;

(5) meet with the board and representatives of the division, if requested by either party, for the purpose of evaluating the applicant's qualifications for licensure; and

(6)

(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 443, 2025 General Session

58-16a-303 Term of license -- Expiration -- Renewal.

(1)

(a) Each license issued under this part shall be issued in accordance with a two-year renewal cycle established by rule.

(b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as required under Section 58-16a-304.

(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

58-16a-304 Continuing education.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete 30 hours of qualified continuing professional education in accordance with standards defined by rule.

(2) If a renewal period is extended or shortened under Section 58-16a-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 13, 1997 General Session

58-16a-305 License -- Exemptions.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included in the definition of the practice of optometry subject to the stated circumstances and limitations without being licensed under this chapter:

(1) a person that sells contact lenses on prescription a person provides that is authorized under state law to practice either optometry or medicine and surgery if the person complies with Section 58-16a-801;

(2) a person that sells eyeglasses or spectacles as articles of merchandise or who fabricates them from a prescription if the person complies with Subsection 58-16a-801(2), and if the person:

(a) does so in the ordinary course of trade from a permanently located and established place of business;

(b) does not traffic or attempt to traffic upon assumed skill in testing the eye and adapting lenses according to the test;

(c) does not duplicate, replace, or accept for replacement any ophthalmic lens, except in the case of an emergency;

(d) does not use in the testing of the eyes any lenses or instruments other than the lenses actually sold; and

(e) does not give or offer eyeglasses or spectacles as premiums as defined in Section 13-26-101; and

(3) a person that fits contact lenses that:

(a) has a current certification from both the American Board of Opticianry and the National Contact Lens Examiners;

(b) does not give or offer contact lenses as premiums;

(c) does not perform a refraction, over-refraction, or attempt to traffic upon assumed skill in testing the eye;

(d) operates in the ordinary course of trade from a permanently located and established place of business;

(e) performs the work involved in fitting contact lenses himself and does not delegate the contact lens fitting to any other individual who is not qualified under this Subsection (3);

(f) does not use in the testing of the eye any lenses or instruments other than the lenses that will actually be sold;

(g) provides services only to a patient who:

(i) presents an unexpired contact lens prescription; or

(ii) has had an eye examination within the prior six months that an optometrist or ophthalmologist meeting the requirements under Section 58-16a-306 performs; and

(h) maintains a copy of the patient's contact lens prescription for not less than seven years.

Amended by Chapter 64, 2026 General Session

58-16a-306 Contact lens prescription -- Qualifications.

(1) An optometrist or physician issuing a contact lens prescription shall:

(a) be licensed under this title to practice in Utah;

(b) ensure the final contact lens prescription is accurate;
(c) present a written copy of the prescription to the patient after fitting; and
(d) provide a copy of the patient's contact lens prescription to a person who sells contact lenses upon the request of the patient or the person selling the contact lenses.
(2) An optometrist or physician may not be held liable as a result of providing a prescription to a patient as required by Subsection (1).
(3) Application of the provisions of this section shall be consistent with 45 C.F.R. Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

Amended by Chapter 270, 2003 General Session

58-16a-307 Licenses held on effective date.

An individual holding a current license as an optometrist that was issued under any prior state law is considered to hold a current license in the same scope of practice under this chapter.

Enacted by Chapter 13, 1997 General Session

Part 4
License Denial and Discipline

58-16a-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 13, 1997 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-16a-501 Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
(1) buying, selling, or fraudulently obtaining, any optometry diploma, license, certificate, or registration;
(2) selling or providing contact lenses or ophthalmic lenses in a manner inconsistent with Section 58-16a-801 or intentionally altering a prescription unless the person selling or providing the lenses is a licensed optometrist or ophthalmologist; or
(3) representing oneself as or using the title of "optometrist," "optometric physician," "doctor of optometry," or "O.D.," unless currently licensed under this chapter.

Amended by Chapter 339, 2020 General Session

58-16a-502 Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

(1) using or employing the services of an optometric assistant to assist a licensee in any manner not in accordance with:
  (a) the generally recognized practices and standards of ethics of the profession; or
  (b) applicable state law or division rule;
(2) failure to refer a patient to an appropriate licensed practitioner when:
  (a) the patient's condition does not respond to treatment; or
  (b) the treatment is not within the scope of competence or licensure of the licensee;
(3) providing confidential information regarding a patient to any third party who does not have a legal and professional ground for obtaining the information;
(4) knowingly prescribing, selling, giving away, or administering any prescription drug unless:
  (a) for a legitimate medical purpose;
  (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or provided; and
  (c) in compliance with Section 58-17b-309;
(5) giving or receiving directly or indirectly any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, except as part of a legal relationship within a lawful professional partnership, corporation, or association;
(6) failure to transfer pertinent and necessary information from a patient's medical records to another optometrist or physician when the patient or the patient's representative, as designated in writing, requests;
(7) failure to provide a contact lens prescription to a person that sells contact lenses in accordance with Section 58-16a-306; or
(8) falsely making an entry in, or altering, a medical record with the intent to conceal:
  (a) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
  (b) conduct described in Subsections (1) through (7) or Subsection 58-1-501(1).

Amended by Chapter 64, 2026 General Session

58-16a-503 Penalty for unlawful conduct.
(1) Except as provided in Subsection (2), any person who violates the unlawful conduct provision defined in Section 58-16a-501 or Subsection 58-1-501(1)(a) or (1)(c) is guilty of a third degree felony.
(2) A person who violates Subsection 58-16a-501(2) is guilty of a class C misdemeanor.

Amended by Chapter 339, 2020 General Session

Part 6
Scope of Practice

58-16a-601 Scope of practice.
(1) An optometrist may:
  (a) provide optometric services not specifically prohibited under this chapter or division rules if the services are within the optometrist's training, skills, and scope of competence; and
  (b) prescribe or administer pharmaceutical agents for the eye and its adnexa, including oral agents, subject to the following conditions:

(i) an optometrist may prescribe oral antibiotics for only eyelid related ocular conditions or diseases, and other ocular conditions or diseases specified by division rule; and
(ii) an optometrist may administer or prescribe a hydrocodone combination drug, or a Schedule III controlled substance, as defined in Section 58-37-108, only if:
(A) the substance is administered or prescribed for pain of the eye or adnexa;
(B) the substance is administered orally or topically or is prescribed for oral or topical use;
(C) the amount of the substance administered or prescribed does not exceed a 72-hour quantity; and
(D) if the substance is prescribed, the prescription does not include refills.
(2) An optometrist may not:
(a) perform surgery, including laser surgery; or
(b) prescribe or administer a Schedule II controlled substance, as defined in Section 58-37-108, except for a hydrocodone combination drug, if so scheduled and prescribed or administered in accordance with Subsection (1)(b).
(3) For purposes of Sections 31A-22-618 and 31A-45-303, an optometrist is a health care provider.

Amended by Chapter 362, 2026 General Session

Part 7
Practice Standards

58-16a-701 Form of practice.
(1) An optometrist licensed under this chapter may engage in practice as an optometrist or in the practice of optometry only as an individual licensee. However, as an individual licensee, the optometrist may be:
(a) an individual operating as a business proprietor;
(b) an employee of another person or corporation;
(c) a partner in a lawfully organized partnership;
(d) a lawfully formed professional corporation;
(e) a lawfully organized limited liability company;
(f) a lawfully organized business corporation; or
(g) any other form of organization recognized by the state and which is not prohibited by division rule made in collaboration with the board.
(2) Regardless of the form in which a licensee engages in the practice of optometry, the licensee may only permit the practice of optometry in that form of practice to be conducted by an individual:
(a) licensed in Utah as an optometrist under Section 58-16a-301; and
(b) who is able to lawfully and competently engage in the practice of optometry.

Amended by Chapter 302, 2025 General Session

58-16a-702 Medical records -- Electronic records.
(1) Medical records maintained by a licensee shall meet the standards and ethics of the profession.
(2) Medical records under this section may be maintained by any electronic means if the records comply with Subsection (1).

Amended by Chapter 268, 2001 General Session

Part 8
Contact Lenses and Ophthalmic Lenses

58-16a-801 Contact lens and ophthalmic lens seller or provider.

(1) A person may sell or provide contact lenses if the person:

(a) does so in the ordinary course of trade from a permanently located and established place of business;

(b) does not perform refractions, over-refractions, or attempts to traffic upon assumed skill in testing the eye;

(c) provides all contact lenses consistent with and in accordance with a valid contact lens prescription;

(d) does not fit contact lenses;

(e) provides a contact lens to a patient after:

(i) receiving an unexpired verbal or written prescription; or

(ii) sending a contact lens prescription verification to the prescribing optometrist or physician, regardless of whether the prescribing optometrist or physician responds to or confirms the verification, provided that:

(A) the person has all of the information necessary to fill the prescription;

(B) the prescribing optometrist or physician has not informed the person that the prescription has expired or is otherwise inaccurate prior to the person shipping or hand-delivering the contact lens to the patient;

(C) the person confirms a valid, unexpired contact lens prescription for the patient if the person is aware that the patient provided inaccurate prescription information in that patient's last order; and

(D) the person informs the patient that the prescription has expired or that there is a medical problem associated with the prescription if the prescribing optometrist or physician communicates the information to the person within 72 hours of the contact lens prescription verification being sent; and

(f) maintains patient information, including the method and date of any prescription verification, for no less than seven years.

(2)

(a) A person may engage in the activities described in Subsection (2)(b), without a license under this title, if the person:

(i) provides the ophthalmic lenses consistent with and in accordance with a prescription from a licensed physician or optometrist that is unexpired as provided in Subsection 58-16a-102(8)(b);

(ii) dispenses the ophthalmic lenses within or from the state;

(iii) does so in the ordinary course of trade from a permanently located and established place of business;

(iv) does not perform refractions, over-refractions, or attempt to traffic upon assumed skill in licensed physician or optometrist testing of the eye; and

(v) complies with impact tolerance standards based on ANSI Z80.1-2010, American National Standard for Ophthalmics - Prescription Lenses.

(b) In accordance with Subsection (2)(a), a person may:

(i) sell, reproduce, or dispense ophthalmic lenses;
(ii) fit or adjust ophthalmic lenses or frames;
(iii) assist with the selection of frames for ophthalmic lenses;
(iv) measure pupillary distance and interpret pupillary distance measurements; or
(v) measure or interpret the reading segment height in bifocal, tri-focal, progressive, or multi-focal lenses.

(3) Nothing in this section may be construed as requiring a person to be licensed or certified in any way under this or any another chapter of this title to sell contact lenses in accordance with Subsection (1), or to sell ophthalmic lenses in accordance with Subsection (2).

Amended by Chapter 64, 2026 General Session

Part 9
Contact Lens Consumer Protection Act

58-16a-901 Title.

This part is known as the "Contact Lens Consumer Protection Act."

Enacted by Chapter 245, 2006 General Session

58-16a-902 Policy.

It is the policy of the state that citizens who wear contact lenses pursuant to valid prescriptions should not be unreasonably denied the opportunity to purchase their contact lenses from their retailer of choice.

Enacted by Chapter 245, 2006 General Session

58-16a-903 Definitions.

As used in this part:

(1) "Alternative channels of distribution" means any mail order company, Internet retailer, pharmacy, buying club, department store, or mass merchandise outlet, without regard to whether it is associated with a prescriber, unless the account meets the definition of a competitor as provided for in this section.

(2) "Competitor" means an entity that manufactures contact lenses and sells those lenses within the state in direct competition with any other manufacturer.

(3) "Manufacturer" means a manufacturer, its parents, subsidiaries, affiliates, successors, and assigns.

(4) "Prescriber" means an individual licensed or authorized to prescribe contact lenses under this title.

Enacted by Chapter 245, 2006 General Session

58-16a-904 Certification of availability of contact lenses -- Exceptions.

(1) Beginning July 1, 2006, a manufacturer of contact lenses doing business in the state shall certify by affidavit to the Attorney General those brands of contact lenses produced, marketed,

distributed, or sold by the manufacturer in the state that are made available in a commercially reasonable and nondiscriminatory manner to:
(a) prescribers;
(b) entities associated with prescribers; and
(c) alternative channels of distribution.
(2) Notwithstanding any other provision of law, a manufacturer shall only sell, market, or distribute lenses in Utah that have been certified under Subsection (1).
(3) Subsections (1) and (2) do not apply to:
(a) rigid gas permeable lenses;
(b) bitoric gas permeable lenses;
(c) bifocal gas permeable lenses;
(d) keratoconus lenses;
(e) custom soft toric lenses that are manufactured for an individual patient and are not mass marketed or mass produced; and
(f) custom designed lenses that are manufactured for an individual patient and are not mass marketed or mass produced.
(4) Any time a brand ceases to be made available after July 1, 2006, the manufacturer shall immediately certify that fact by affidavit to the Attorney General.

Enacted by Chapter 245, 2006 General Session

58-16a-905 Manufacturers' conduct.

Nothing in Section 58-16a-904 is intended to require a manufacturer to:
(1) sell to a competitor;
(2) sell contact lenses to different contact lens distributors or customers at the same price;
(3) open or maintain any account for a contact lens seller who is not in substantial compliance with Utah and federal law regarding the sale of contact lenses;
(4) decide whether a low volume account with a contact lens seller is a direct account or handled through a distributor; or
(5) sell to customers in all geographic areas lenses that are being test marketed on a limited basis in one geographic area.

Enacted by Chapter 245, 2006 General Session

58-16a-905.1 Contact lens manufacturer or distributor -- Prohibited conduct.

A contact lens manufacturer or a contact lens distributor may not:
(1) take any action, by agreement, unilaterally, or otherwise, that has the effect of fixing or otherwise controlling the price that a contact lens retailer charges or advertises for contact lenses; or
(2) discriminate against a contact lens retailer based on whether the contact lens retailer:
(a) sells or advertises contact lenses for a particular price;
(b) operates in a particular channel of trade;
(c) is a person authorized by law to prescribe contact lenses; or
(d) is associated with a person authorized by law to prescribe contact lenses.

Enacted by Chapter 293, 2015 General Session

58-16a-906 Penalties for violations.

(1) A person who knowingly and intentionally violates a provision of Section 58-16a-904 is guilty of a class A misdemeanor.
(2) The attorney general may bring a civil action or seek an injunction and a civil penalty against any person who violates a provision of Section 58-16a-904 or 58-16a-905.1.

Amended by Chapter 293, 2015 General Session

Chapter 17b
Pharmacy Practice Act

Part 1
General Provisions

58-17b-101 Title.

This chapter is known as the "Pharmacy Practice Act."

Enacted by Chapter 280, 2004 General Session

58-17b-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Administering" means:
  (a) the direct application of a prescription drug or device, whether by injection, inhalation, ingestion, or by any other means, to the body of a human patient or research subject by another person; or
  (b) the placement by a veterinarian with the owner or caretaker of an animal or group of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other means directed to the body of the animal by the owner or caretaker in accordance with written or verbal directions of the veterinarian.
(2) "Adulterated drug or device" means a drug or device considered adulterated under 21 U.S.C. Sec. 351 (2003).
(3)
  (a) "Analytical laboratory" means a facility in possession of prescription drugs for the purpose of analysis.
  (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs used as standards and controls in performing drug monitoring or drug screening analysis if the prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid components, organic solvents, or inorganic buffers at a concentration not exceeding one milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic use.
(4) "Animal euthanasia agency" means an agency performing euthanasia on animals by the use of prescription drugs.
(5) "Automated pharmacy systems" includes mechanical systems which perform operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of medications, and which collect, control, and maintain all transaction information.

(6) "Beyond use date" means the date determined by a pharmacist and placed on a prescription label at the time of dispensing that indicates to the patient or caregiver a time beyond which the contents of the prescription are not recommended to be used.
(7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created in Section 58-17b-201.
(8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically underserved area, used for the storage and dispensing of prescription drugs, which is dependent upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and approved by the division as the parent pharmacy.
(9) "Centralized prescription processing" means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions such as dispensing, drug utilization review, claims adjudication, refill authorizations, and therapeutic interventions.
(10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a retail pharmacy to compound or dispense a drug or dispense a device to the public under a prescription order.
(11) "Class B pharmacy":
(a) means a pharmacy located in Utah:
(i) that is authorized to provide pharmaceutical care for patients in an institutional setting; and
(ii) whose primary purpose is to provide a physical environment for patients to obtain health care services; and
(b)
(i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and
(ii) pharmaceutical administration and sterile product preparation facilities.
(12) "Class C pharmacy" means a pharmacy that engages in the manufacture, production, wholesale, or distribution of drugs or devices in Utah.
(13) "Class D pharmacy" means a nonresident pharmacy.
(14) "Class E pharmacy" means all other pharmacies.
(15)
(a) "Closed-door pharmacy" means a pharmacy that:
(i) provides pharmaceutical care to a defined and exclusive group of patients who have access to the services of the pharmacy because they are treated by or have an affiliation with a specific entity, including a health maintenance organization or an infusion company; or
(ii) engages exclusively in the practice of telepharmacy and does not serve walk-in retail customers.
(b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods to the general public, or the office of a practitioner.
(16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical care functions authorized by the practitioner or practitioners under certain specified conditions or limitations.
(17) "Collaborative pharmacy practice agreement" means a written and signed agreement between one or more pharmacists and one or more practitioners that provides for collaborative pharmacy practice for the purpose of drug therapy management of patients, initiating therapy, and prevention of disease of human subjects.
(18)
(a) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a limited quantity drug, sterile product, or device:

(i) as the result of a practitioner's prescription order or initiative based on the practitioner, patient, or pharmacist relationship in the course of professional practice;
(ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing; or
(iii) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.
(b) "Compounding" does not include:
(i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to another pharmacist or pharmaceutical facility;
(ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a dosage form which is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner; or
(iii) the preparation of a prescription drug, sterile product, or device which has been withdrawn from the market for safety reasons.
(19) "Confidential information" has the same meaning as "protected health information" under the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. Parts 160 and 164.
(20) "Controlled substance" means the same as that term is defined in Section 58-37-101.
(21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter 417, Sec. 3a(ff) which is incorporated by reference.
(22) "Dispense" means the interpretation, evaluation, and implementation of a prescription drug order or device or nonprescription drug or device under a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient, research subject, or an animal.
(23) "Dispensing medical practitioner" means an individual who is:
(a) currently licensed as:
(i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
(ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical Practice Act;
(iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
(iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or
(v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the optometrist is acting within the scope of practice for an optometrist; and
(b) licensed by the division under the Pharmacy Practice Act to engage in the practice of a dispensing medical practitioner.
(24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy located within a licensed dispensing medical practitioner's place of practice.
(25) "Distribute" means to deliver a drug or device other than by administering or dispensing.
(26)
(a) "Drug" means:
(i) a substance recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;
(ii) a substance that is required by any applicable federal or state law or rule to be dispensed by prescription only or is restricted to administration by practitioners only;
(iii) a substance other than food intended to affect the structure or any function of the body of humans or other animals; and

(iv) substances intended for use as a component of any substance specified in Subsections (26)(a)(i) through (iii).

(b) "Drug" does not include dietary supplements.

(27) "Drug regimen review" includes the following activities:

(a) evaluation of the prescription drug order and patient record for:

(i) known allergies;

(ii) rational therapy-contraindications;

(iii) reasonable dose and route of administration; and

(iv) reasonable directions for use;

(b) evaluation of the prescription drug order and patient record for duplication of therapy;

(c) evaluation of the prescription drug order and patient record for the following interactions:

(i) drug-drug;

(ii) drug-food;

(iii) drug-disease; and

(iv) adverse drug reactions; and

(d) evaluation of the prescription drug order and patient record for proper utilization, including over- or under-utilization, and optimum therapeutic outcomes.

(28) "Drug sample" means a prescription drug packaged in small quantities consistent with limited dosage therapy of the particular drug, which is marked "sample", is not intended to be sold, and is intended to be provided to practitioners for the immediate needs of patients for trial purposes or to provide the drug to the patient until a prescription can be filled by the patient.

(29) "Electronic signature" means a trusted, verifiable, and secure electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(30) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to inpatients of a general acute hospital or specialty hospital licensed by the Department of Health and Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

(32) "Legend drug" has the same meaning as prescription drug.

(33) "Licensed pharmacy technician" means an individual licensed with the division, that may, under the supervision of a pharmacist, perform the activities involved in the technician practice of pharmacy.

(34) "Manufacturer" means a person or business physically located in Utah licensed to be engaged in the manufacturing of drugs or devices.

(35)

(a) "Manufacturing" means:

(i) the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; and

(ii) the promotion and marketing of such drugs or devices.

(b) "Manufacturing" includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners, or other persons.

(c) "Manufacturing" does not include the preparation or compounding of a drug by a pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation, compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical analysis.

(36) "Medical order" means a lawful order of a practitioner which may include a prescription drug order.
(37) "Medication profile" or "profile" means a record system maintained as to drugs or devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze the profile to provide pharmaceutical care.
(38) "Misbranded drug or device" means a drug or device considered misbranded under 21 U.S.C. Sec. 352 (2003).
(39)
(a) "Nonprescription drug" means a drug which:
(i) may be sold without a prescription; and
(ii) is labeled for use by the consumer in accordance with federal law.
(b) "Nonprescription drug" includes homeopathic remedies.
(40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a person in Utah.
(41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.
(42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located outside the state that is licensed and in good standing in another state, that:
(a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in this state pursuant to a lawfully issued prescription;
(b) provides information to a patient in this state on drugs or devices which may include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses; or
(c) counsels pharmacy patients residing in this state concerning adverse and therapeutic effects of drugs.
(43) "Patient counseling" means the written and oral communication by the pharmacist or pharmacy intern of information, to the patient or caregiver, in order to ensure proper use of drugs, devices, and dietary supplements.
(44) "Pharmaceutical administration facility" means a facility, agency, or institution in which:
(a) prescription drugs or devices are held, stored, or are otherwise under the control of the facility or agency for administration to patients of that facility or agency;
(b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist or pharmacy intern with whom the facility has established a prescription drug supervising relationship under which the pharmacist or pharmacy intern provides counseling to the facility or agency staff as required, and oversees drug control, accounting, and destruction; and
(c) prescription drugs are professionally administered in accordance with the order of a practitioner by an employee or agent of the facility or agency.
(45)
(a) "Pharmaceutical care" means carrying out the following in collaboration with a prescribing practitioner, and in accordance with division rule:
(i) designing, implementing, and monitoring a therapeutic drug plan intended to achieve favorable outcomes related to a specific patient for the purpose of curing or preventing the patient's disease;
(ii) eliminating or reducing a patient's symptoms; or
(iii) arresting or slowing a disease process.
(b) "Pharmaceutical care" does not include prescribing of drugs without consent of a prescribing practitioner.
(46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within or into this state.
(47)

(a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility engaged in the business of wholesale vending or selling of a prescription drug or device to other than a consumer or user of the prescription drug or device that the pharmaceutical facility has not produced, manufactured, compounded, or dispensed.

(b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical facility carrying out the following business activities:

(i) intracompany sales;

(ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell, purchase, or trade a prescription drug or device, if the activity is carried out between one or more of the following entities under common ownership or common administrative control, as defined by division rule:

(A) hospitals;

(B) pharmacies;

(C) chain pharmacy warehouses, as defined by division rule; or

(D) other health care entities, as defined by division rule;

(iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell, purchase, or trade a prescription drug or device, for emergency medical reasons, including supplying another pharmaceutical facility with a limited quantity of a drug, if:

(A) the facility is unable to obtain the drug through a normal distribution channel in sufficient time to eliminate the risk of harm to a patient that would result from a delay in obtaining the drug; and

(B) the quantity of the drug does not exceed an amount reasonably required for immediate dispensing to eliminate the risk of harm;

(iv) the distribution of a prescription drug or device as a sample by representatives of a manufacturer; and

(v) the distribution of prescription drugs, if:

(A) the facility's total distribution-related sales of prescription drugs does not exceed 5% of the facility's total prescription drug sales; and

(B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

(48) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy.

(49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally in full and actual charge of the pharmacy and all personnel.

(50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or more years of licensed experience. The preceptor serves as a teacher, example of professional conduct, and supervisor of interns in the professional practice of pharmacy.

(51) "Pharmacy" means any place where:

(a) drugs are dispensed;

(b) pharmaceutical care is provided;

(c) drugs are processed or handled for eventual use by a patient; or

(d) drugs are used for the purpose of analysis or research.

(52) "Pharmacy benefits manager or coordinator" means a person or entity that provides a pharmacy benefits management service as defined in Section 31A-46-102 on behalf of a self-insured employer, insurance company, health maintenance organization, or other plan sponsor, as defined by rule.

(53) "Pharmacy intern" means an individual licensed by this state to engage in practice as a pharmacy intern.

(54) "Pharmacy manager" means:
(a) a pharmacist-in-charge;
(b) a licensed pharmacist designated by a licensed pharmacy to consult on the pharmacy's administration;
(c) an individual who manages the facility in which a licensed pharmacy is located;
(d) an individual who oversees the operations of a licensed pharmacy;
(e) an immediate supervisor of an individual described in Subsections (54)(a) through (d); or
(f) another operations or site manager of a licensed pharmacy.
(55) "Pharmacy technician training program" means an approved technician training program providing education for pharmacy technicians.
(56)
(a) "Practice as a dispensing medical practitioner" means the practice of pharmacy, specifically relating to the dispensing of a prescription drug in accordance with Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, and division rule adopted after consultation with the Board of pharmacy and the governing boards of the practitioners described in Subsection (23)(a).
(b) "Practice as a dispensing medical practitioner" does not include:
(i) using a vending type of dispenser as defined by the division by administrative rule; or
(ii) except as permitted by Section 58-17b-805, dispensing of a controlled substance as defined in Section 58-37-101.
(57) "Practice as a licensed pharmacy technician" means engaging in practice as a pharmacy technician under the general supervision of a licensed pharmacist and in accordance with a scope of practice defined by division rule made in collaboration with the board.
(58) "Practice of pharmacy" includes the following:
(a) providing pharmaceutical care;
(b) collaborative pharmacy practice in accordance with a collaborative pharmacy practice agreement;
(c) compounding, packaging, labeling, dispensing, administering, and the coincident distribution of prescription drugs or devices, provided that the administration of a prescription drug or device is:
(i) pursuant to a lawful order of a practitioner when one is required by law; and
(ii) in accordance with written guidelines or protocols:
(A) established by the licensed facility in which the prescription drug or device is to be administered on an inpatient basis; or
(B) approved by the division, in collaboration with the board and, when appropriate, the Medical Licensing Board, created in Section 58-67-201, if the prescription drug or device is to be administered on an outpatient basis solely by a licensed pharmacist;
(d) participating in drug utilization review;
(e) ensuring proper and safe storage of drugs and devices;
(f) maintaining records of drugs and devices in accordance with state and federal law and the standards and ethics of the profession;
(g) providing information on drugs or devices, which may include advice relating to therapeutic values, potential hazards, and uses;
(h) providing drug product equivalents;
(i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy technicians;
(j) providing patient counseling, including adverse and therapeutic effects of drugs;
(k) providing emergency refills as defined by rule;
(l) telepharmacy;

(m) formulary management intervention;
(n) prescribing and dispensing a self-administered hormonal contraceptive in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and
(o) issuing a prescription in accordance with Section 58-17b-610.8 or 58-17b-627.
(59) "Practice of telepharmacy" means the practice of pharmacy through the use of telecommunications and information technologies.
(60) "Practice of telepharmacy across state lines" means the practice of pharmacy through the use of telecommunications and information technologies that occurs when the patient is physically located within one jurisdiction and the pharmacist is located in another jurisdiction.
(61) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the course of professional practice.
(62) "Prescribe" means to issue a prescription:
(a) orally or in writing; or
(b) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.
(63) "Prescription" means an order issued:
(a) by a licensed practitioner in the course of that practitioner's professional practice or by collaborative pharmacy practice agreement; and
(b) for a controlled substance or other prescription drug or device for use by a patient or an animal.
(64) "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.
(65) "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.
(66) "Repackage":
(a) means changing the container, wrapper, or labeling to further the distribution of a prescription drug; and
(b) does not include:
(i) Subsection (66)(a) when completed by the pharmacist responsible for dispensing the product to a patient; or
(ii) changing or altering a label as necessary for a dispensing practitioner under Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, for dispensing a product to a patient.
(67) "Research using pharmaceuticals" means research:
(a) conducted in a research facility, as defined by division rule, that is associated with a university or college in the state accredited by the Northwest Commission on Colleges and Universities;
(b) requiring the use of a controlled substance, prescription drug, or prescription device;
(c) that uses the controlled substance, prescription drug, or prescription device in accordance with standard research protocols and techniques, including, if required, those approved by an institutional review committee; and
(d) that includes any documentation required for the conduct of the research and the handling of the controlled substance, prescription drug, or prescription device.
(68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs and devices to the general public.

(69)
(a) "Self-administered hormonal contraceptive" means a self-administered hormonal contraceptive that is approved by the United States Food and Drug Administration to prevent pregnancy.
(b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.
(c) "Self-administered hormonal contraceptive" does not include any drug intended to induce an abortion, as that term is defined in Section 76-7-301.
(70) "Self-audit" means an internal evaluation of a pharmacy to determine compliance with this chapter.
(71) "Supervising pharmacist" means a pharmacist who is overseeing the operation of the pharmacy during a given day or shift.
(72) "Supportive personnel" means unlicensed individuals who:
(a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed pharmacy technician in nonjudgmental duties not included in the definition of the practice of pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as those duties may be further defined by division rule adopted in collaboration with the board; and
(b) are supervised by a pharmacist in accordance with rules adopted by the division in collaboration with the board.
(73) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-501.
(74) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-502 and may be further defined by rule.
(75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that dispenses drugs intended for use by animals or for sale to veterinarians for the administration for animals.
(76) "Written communication" means a physical document, or an electronic communication, by or from which the recipient may read or access the information intended to be communicated, including:
(a) email;
(b) text message; and
(c) quick response (QR) code.

Amended by Chapter 362, 2026 General Session

58-17b-103 Administrative inspections.
(1) The division may for the purpose of ascertaining compliance with the provisions of this chapter, require a self-audit or enter and inspect the business premises of a person:
(a) licensed under Part 3, Licensing; or
(b) who is engaged in activities that require a license under Part 3, Licensing.
(2) Before conducting an inspection under Subsection (1), the division shall, after identifying the person in charge:
(a) give proper identification;
(b) request to see the applicable license or licenses;
(c) describe the nature and purpose of the inspection; and
(d) provide upon request, the authority of the division to conduct the inspection and the penalty for refusing to permit the inspection as provided in Section 58-17b-504.
(3) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):

(a) examine any record, prescription, order, drug, device, equipment, machine, electronic device or media, or area related to activities for which a license has been issued or is required by Part 3, Licensing, for the purpose of ascertaining compliance with the applicable provisions of this chapter;
(b) reproduce any record or media at the division's own cost;
(c) take a drug or device for further analysis if considered necessary;
(d) temporarily seize a drug or device that is suspected to be adulterated, misbranded, outdated, or otherwise in violation of this chapter, pending an adjudicative proceeding on the matter;
(e) box and seal drugs suspected to be adulterated, outdated, misbranded, or otherwise in violation of this chapter; and
(f) dispose of or return a drug or device obtained under this Subsection (3) in accordance with procedures established by division rule.

(4) An inspection described in Subsection (1) shall be conducted during regular business hours.

(5) If, upon inspection, the division concludes that a person has violated the provisions of this chapter or Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a rule or order issued with respect to those chapters, and that disciplinary action is appropriate, the director or the director's designee shall promptly issue a fine or citation to the licensee in accordance with Section 58-17b-504.

Amended by Chapter 362, 2026 General Session

Part 2
Board

58-17b-201 Board -- Membership -- Qualifications -- Terms.

(1) There is created the Utah State Board of Pharmacy consisting of five pharmacists, one pharmacy technician, and one member of the general public.
(a) The public member of the board shall be a Utah resident who:
(i) is at least 21 years old;
(ii) has never been licensed to engage in the practice of pharmacy;
(iii) has never been the spouse of a person licensed to engage in the practice of pharmacy;
(iv) has never held any material financial interest in pharmacy practice; and
(v) has never engaged in any activity directly related to the practice of pharmacy.
(b) The licensed pharmacist and licensed pharmacy technician members of the board shall:
(i) have been Utah residents continuously for at least three years;
(ii) have at least five years experience in the practice of pharmacy in good standing with the division in Utah after licensure; and
(iii) maintain licensure in good standing to engage in the practice of pharmacy or practice as a pharmacy technician in Utah for the duration of the appointment.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203, and as required under Section 58-37f-202 regarding the controlled substance database. In addition, the board shall designate an appropriate member on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
(5) A board member may be removed in accordance with Subsection 58-1-201(2)(e) or upon one of the following grounds:
(a) refusal or inability for any reason of a board member to perform the board member's duties as a member of the Board in an efficient, responsible, and professional manner;
(b) misuse of appointment to obtain personal, pecuniary, or material gain or advantage for the board member or another through such appointment; or
(c) violation of the laws governing the practice of pharmacy or Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Amended by Chapter 64, 2026 General Session

Part 3
Licensing

58-17b-301 License required -- License classifications for individuals.
(1) A license is required to engage in the practice of pharmacy, telepharmacy, pharmacy technician, or dispensing medical practitioner except as specifically provided in Section 58-1-307 or 58-17b-309.
(2) The division shall issue to an individual who qualifies under this chapter a license in the classification of:
(a) pharmacist;
(b) pharmacy intern;
(c) pharmacy technician;
(d) dispensing medical practitioner; or
(e) pharmacy technician trainee.

Amended by Chapter 72, 2014 General Session
Amended by Chapter 385, 2014 General Session
Amended by Chapter 385, 2014 General Session

58-17b-302 License required -- License classifications for pharmacy facilities.
(1) A license is required to act as a pharmacy, except:
(a) as specifically exempted from licensure under Section 58-1-307;
(b) for the operation of a medical cannabis pharmacy under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies; and
(c) to operate a licensed dispensing practice under Chapter 88, Part 2, Dispensing Practice.
(2) The division shall issue a pharmacy license to a facility that qualifies under this chapter in the classification of a:
(a) class A pharmacy;
(b) class B pharmacy;
(c) class C pharmacy;
(d) class D pharmacy;

(e) class E pharmacy; or
(f) dispensing medical practitioner clinic pharmacy.
(3)
(a) Each place of business shall require a separate license.
(b) If multiple pharmacies exist at the same address, a separate license shall be required for each pharmacy.
(4)
(a) The division may further define or supplement the classifications of pharmacies.
(b) The division may impose restrictions upon classifications to protect the public health, safety, and welfare.
(5) Each pharmacy shall have a pharmacist-in-charge, except as otherwise provided by rule.
(6) Whenever an applicable statute or rule requires or prohibits action by a pharmacy, the pharmacist-in-charge and the owner of the pharmacy shall be responsible for all activities of the pharmacy, regardless of the form of the business organization.

Amended by Chapter 273, 2023 General Session
Amended by Chapter 328, 2023 General Session, (Coordination Clause)
Amended by Chapter 328, 2023 General Session

58-17b-303 Qualifications for licensure as a pharmacist.
(1) An applicant for licensure as a pharmacist shall:
(a) submit an application in a form the division approves;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(d) have no physical or mental condition of a nature that prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
(e) have graduated and received a professional entry degree from a school or college of pharmacy which is accredited by the Accreditation Council on Pharmacy Education;
(f) have completed an internship meeting standards established by division rule made in collaboration with the board; and
(g) have successfully passed examinations required by division rule made in collaboration with the board.
(2) An applicant for licensure as a pharmacist whose pharmacy education was completed at a foreign pharmacy school shall, in addition to the requirements under Subsections (1)(a) through (d), (f), and (g), obtain a certification of equivalency from a credentialing agency required by division rule made in collaboration with the board.
(3) An applicant for a license by endorsement as a pharmacist under this section shall:
(a) submit a written application in the form prescribed by the division;
(b) pay the fee determined by the department under Section 63J-1-504;
(c)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (3)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(d) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
(e) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the four years immediately preceding the date of application;
(f) produce satisfactory evidence of completing the professional education required under Subsection (1);
(g) be currently licensed in good standing as a pharmacist in another state, territory, or possession of the United States;
(h) produce satisfactory evidence that the examination requirements are or were at the time the license was issued, equal to those of this state; and
(i) pass the jurisprudence examination prescribed by division rule made in collaboration with the board.

Amended by Chapter 443, 2025 General Session

58-17b-304 Qualifications for licensure of pharmacy intern.

An applicant for licensure as a pharmacy intern shall:
(1) submit an application in a form the division approves;
(2) pay a fee determined by the department under Section 63J-1-504;
(3)
(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(b) meet any other standard related to the criminal background check described in Subsection (3)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(c) disclose any criminal history the division requests on a form the division approves;
(4) have no physical or mental condition of a nature that prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;
(5) meet the preliminary educational qualifications required by division rule made in collaboration with the board; and
(6) meet one of the following educational criteria:
(a) be a current pharmacy student, a resident, or fellow in a program approved by division rule made in collaboration with the board; or
(b) have graduated from a foreign pharmacy school and received certification of equivalency from a credentialing agency approved by division rule made in collaboration with the board.

Amended by Chapter 443, 2025 General Session

58-17b-305 Qualifications for licensure of pharmacy technician.

(1) An applicant for licensure as a pharmacy technician shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(d) have no physical or mental condition of a nature that prevents the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;
(e) have completed a program and curriculum of education and training, meeting standards established by division rule made in collaboration with the board; and
(f) successfully complete the examinations requirement within the time periods established by division rule made in collaboration with the board.
(2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be a licensed pharmacy technician while on probation with the division.

Amended by Chapter 443, 2025 General Session

58-17b-305.1 Qualifications for licensure of pharmacy technician trainee.
(1) An applicant for licensure as a pharmacy technician trainee shall:
(a) submit an application to the division on a form created by the division;
(b) pay a fee established by the division in accordance with Section 63J-1-504;
(c) unless exempted by the division, submit a completed criminal background check;
(d) demonstrate, as determined by the division, that the applicant does not have a physical or mental condition that would prevent the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;
(e) submit evidence that the applicant is enrolled in a training program approved by the division; and
(f) satisfy any other criteria established by division rule made in collaboration with the board.
(2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be licensed as a pharmacy technician trainee during division probation.

Amended by Chapter 340, 2021 General Session

58-17b-306 Qualifications for licensure as a pharmacy.
(1) Each applicant for licensure under this section, except for those applying for a class D license, shall:
(a) submit a written application in the form the division approves;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c) satisfy the division that the applicant, and each owner, officer, or manager of the applicant, has not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;
(d) demonstrate the licensee's operations will be in accordance with all federal, state, and local laws relating to the type of activity that the licensee engages in, including regulations of the Federal Drug Enforcement Administration and Food and Drug Administration;
(e) maintain operating standards the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(f)
(i) for each pharmacy license, ensure that the pharmacist-in-charge, or the pharmacy manager if the pharmacy is not required to have a pharmacist-in-charge, consents to and completes a criminal background check as described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(g) acknowledge the division's authority to inspect the licensee's business premises in accordance with Section 58-17b-103.
(2) Each applicant applying for a class D license shall:
(a) submit a written application in the form the division approves;
(b) pay a fee as the department determines in accordance with Section 63J-1-504;
(c) present to the division verification of licensure in the state where physically located and verification that such license is in good standing;
(d) satisfy the division that the applicant and each of the applicant's pharmacy managers has not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section, indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;
(e) for each pharmacy manager:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (2)(e)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(f) as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide a statement of the scope of pharmacy services that will be provided and a detailed description of the protocol, which pharmacy care will be provided, including any collaborative practice arrangements with other health care practitioners;
(g) sign an affidavit attesting that any healthcare practitioners employed by the applicant and physically located in Utah have the appropriate license issued by the division and in good standing;
(h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and regulations of the jurisdiction in which the pharmacy is located; and
(i) if an applicant engages in compounding, submit the most recent inspection report:
(i) conducted within two years before the application for licensure; and
(ii)
(A) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or
(B) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multistate inspection blueprint program.
(3)
(a) Each license issued under this section shall be associated with a single, specific address.
(b) By rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall allow a licensee to update, by request

to the division, the address associated with the licensee under Subsection (3)(a), to a new address if the licensee requests the change of address at least 90 days before the day on which the licensee begins operating at the new address.

Amended by Chapter 64, 2026 General Session

58-17b-308 Term of license -- Expiration -- Renewal.

(1)
(a) Except as provided in Subsection (2), the division shall issue a license for a term of two years as the division establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The division may extend or shorten a license term by up to one year to stagger renewals as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(c) A license expires on the expiration date shown on the license.

(2) The duration of a pharmacy intern license may be no longer than:
(a) two years for a license issued under Subsection 58-17b-304(6)(b); or
(b) five years for a license issued under Subsection 58-17b-304(6)(a).

(3) A pharmacy intern license issued under this chapter may not be renewed, but the division may extend the pharmacy intern license in collaboration with the board.

(4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that engages in compounding, a licensee shall submit the most recent inspection report:
(a) conducted within two years before the application for renewal; and
(b)
(i) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program; or
(ii) performed by the state licensing agency of the state in which the applicant is a resident and in accordance with the National Association of Boards of Pharmacy multistate inspection blueprint program.

Amended by Chapter 64, 2026 General Session

58-17b-309 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the acts or practices described in this section without being licensed under this chapter:

(1) a person selling or providing contact lenses in accordance with Section 58-16a-801;

(2) an animal shelter that:
(a) under the indirect supervision of a veterinarian, stores, handles, or administers a drug used for euthanizing an animal; and
(b) under the indirect supervision of a veterinarian who is under contract with the animal shelter, stores, handles, or administers a rabies vaccine;

(3) an overdose outreach provider, as defined in Section 26B-4-501, that obtains, stores, or furnishes an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and

(4) a dispensing practitioner, as defined in Section 58-88-201, dispensing a drug under Chapter 88, Part 2, Dispensing Practice.

Amended by Chapter 64, 2026 General Session

58-17b-309.6 Exemptions from licensure for research using pharmaceuticals.

Research using pharmaceuticals, as defined in Section 58-17b-102, is exempt from licensure under Sections 58-17b-301 and 58-17b-302.

Amended by Chapter 181, 2017 General Session

58-17b-309.7 Opioid treatment program -- Mobile medication assisted treatment units.

(1) As used in this section:
(a) "Covered provider" means an individual who is licensed to engage in:
(i) the practice of advanced practice registered nursing as defined in Section 58-31b-102;
(ii) the practice of registered nursing as defined in Section 58-31b-102; or
(iii) practice as a physician assistant as defined in Section 58-70a-102.
(b) "Mobile unit" means a mobile unit that provides medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or a substance use disorder.
(c) "Opioid treatment program" means a program or practitioner that is:
(i) engaged in dispensing an opiate medication assisted treatment for opioid use disorder;
(ii) registered under 21 U.S.C. Sec. 823(g)(1);
(iii) licensed by the Division of Licensing and Background Checks within the Department of Health and Human Services created in Section 26B-2-901; and
(iv) certified by the federal Substance Abuse and Mental Health Services Administration in accordance with 42 C.F.R. 8.11.
(2) A covered provider may dispense opiate medication assisted treatment at an opioid treatment program if the covered provider:
(a) is operating under the direction of a pharmacist;
(b) dispenses the opiate medication assisted treatment under the direction of a pharmacist; and
(c) acts in accordance with division rules made under Subsection (4).
(3)
(a) An opioid treatment program may operate one or more mobile units to serve individuals without a fixed address and other individuals as appropriate.
(b) A mobile unit shall operate as an extension of, and under the registration, license, and certification held by, the opioid treatment program.
(c) The pharmacist-in-charge who is responsible for directing the operation of the opioid treatment program shall determine the number of mobile units that may be operated as an extension of the opioid treatment program.
(d) A covered provider may dispense prescription medication assisted treatment only:
(i) in accordance with a valid prescription; and
(ii) in compliance with the requirements described in Subsection (2).
(e) Medication may not be left in a mobile unit during the hours that the mobile unit is not in operation.
(f) An opioid treatment program that intends to operate a mobile unit shall notify the division and board of that intention as soon as possible, but not later than one business day before the mobile unit begins operating.
(g) An opioid treatment program that intends to discontinue operation of a mobile unit shall notify the division and board of that intention as soon as possible, but not later than one business day before the mobile unit discontinues operating.

(h) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, to establish requirements for the operation of a mobile unit.

(4) The division shall, in consultation with practitioners who work in an opioid treatment program, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines under which a covered provider may dispense opiate medication assisted treatment to a patient in an opioid treatment program under this section.

Amended by Chapter 153, 2026 General Session

58-17b-310 Continuing education.

(1) The division in collaboration with the board may establish by rule continuing education requirements for each classification of licensure under this chapter.

(2) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (1) continuing education that a pharmacist completes in accordance with Section 26B-4-219.

Amended by Chapter 5, 2019 Special Session 1

Part 4
License Denial and Discipline

58-17b-401 Grounds for denial of licensure -- Disciplinary proceedings.

Grounds for the following action regarding a license issued under this chapter shall be in accordance with Section 58-1-401:

(1) refusal to issue a license to an applicant;

(2) refusal to renew the license of a licensee;

(3) to revoke, suspend, restrict, or place on probation the license of a licensee;

(4) to issue a public or private reprimand to a licensee;

(5) to issue cease and desist orders; and

(6) to issue an administrative fine or citation.

Enacted by Chapter 280, 2004 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties - Enforcement

58-17b-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) knowingly preventing or refusing to permit an authorized agent of the division to conduct an inspection in accordance with Section 58-17b-103;

(2) failing to deliver the license, permit, or certificate to the division upon demand, if the license, permit, or certificate has been revoked, suspended, or refused;

(3)

(a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy technician," or a term having similar meaning, except by an individual who is licensed as a pharmacist, pharmacy intern, or pharmacy technician; or
(b) conducting or transacting business under a name that contains, as part of that name, the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug shop," "apothecary," "prescriptions," or a term having a similar meaning, or in any manner advertising, otherwise describing, or referring to the place of the conducted business or profession, unless the place is a pharmacy issued a license by the division, except an establishment selling nonprescription drugs and supplies may display signs bearing the words "packaged drugs," "drug sundries," or "nonprescription drugs," and is not considered to be a pharmacy or drugstore by reason of the display;
(4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears, or the package bears or originally did bear, the inscription "sample," "not for resale," "for investigational or experimental use only," or other similar words, except when a cost is incurred in the bona fide acquisition of an investigational or experimental drug;
(5) using to a person's own advantages or revealing to anyone other than the division, board, and its authorized representatives, or to the courts, when relevant to a judicial or administrative proceeding under this chapter, information acquired under authority of this chapter or concerning a method of process that is a trade secret;
(6) procuring or attempting to procure a drug or to have someone else procure or attempt to procure a drug:
(a) by fraud, deceit, misrepresentation, or subterfuge;
(b) by forgery or alteration of a prescription or a written order;
(c) by concealment of a material fact;
(d) by use of a false statement in a prescription, chart, order, or report; or
(e) by theft;
(7) filling, refilling, or advertising the filling or refilling of prescriptions for a consumer or patient residing in this state if the person is not licensed:
(a) under this chapter; or
(b) in the state from which the individual is dispensing;
(8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or authorized supportive personnel to engage in conduct in violation of this chapter;
(9) being in possession of a prescription drug for an unlawful purpose;
(10) dispensing a prescription drug to a person that does not have a prescription from a practitioner, except as permitted under Title 26B, Chapter 4, Part 5, Treatment Access;
(11) dispensing a prescription drug to a person that the person dispensing the drug knows or should know is attempting to obtain drugs by fraud or misrepresentation;
(12) selling, dispensing, distributing, or otherwise trafficking in prescription drugs when not licensed to do so or when not exempted from licensure; and
(13) a person using a prescription drug or controlled substance that was not lawfully prescribed for the person by a practitioner.

Amended by Chapter 64, 2026 General Session

58-17b-502 Unprofessional conduct.
(1) "Unprofessional conduct" includes:
(a) willfully deceiving or attempting to deceive the division, the board, or their agents as to any relevant matter regarding compliance under this chapter;

(b) except as provided in Subsection (2):
(i) paying or offering rebates to practitioners or any other health care providers, or receiving or soliciting rebates from practitioners or any other health care provider; or
(ii) paying, offering, receiving, or soliciting compensation in the form of a commission, bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care provider, for the purpose of obtaining referrals;
(c) misbranding or adulteration of any drug or device or the sale, distribution, or dispensing of any outdated, misbranded, or adulterated drug or device;
(d) engaging in the sale or purchase of drugs or devices that are samples or packages bearing the inscription "sample" or "not for resale" or similar words or phrases;
(e) except as provided in Section 58-17b-503, accepting back and redistributing any unused drug, or a part of the unused drug, after the unused drug has left the premises of a pharmacy;
(f) an act in violation of this chapter that a person commits for any form of compensation if the act is incidental to the person's professional activities, including the activities of a pharmacist, pharmacy intern, or pharmacy technician;
(g) violating:
(i) the federal Controlled Substances Act, Title II, P.L. 91-513;
(ii) Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; or
(iii) rules or regulations adopted under either act;
(h) requiring or permitting pharmacy interns or technicians to engage in activities outside the scope of practice for their respective license classifications, as defined in this chapter and division rules made in collaboration with the board, or beyond their scope of training and ability;
(i) administering:
(i) without appropriate training, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) without a physician's order, when the law requires a physician's order; or
(iii) in conflict with a practitioner's written guidelines or written protocol for administering;
(j) disclosing confidential patient information in violation of the provisions of the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or other applicable law;
(k) engaging in the practice of pharmacy without a licensed pharmacist designated as the pharmacist-in-charge;
(l) failing to report to the division any adverse action that another licensing jurisdiction, government agency, law enforcement agency, or court takes for conduct that in substance would be considered unprofessional conduct under this section;
(m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage form which is commonly available from a manufacturer in quantities and strengths a practitioner prescribes;
(n) failing to act in accordance with Title 26B, Chapter 4, Part 5, Treatment Access, when dispensing a self-administered hormonal contraceptive under a standing order;
(o) violating the requirements of Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(p) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (o) or Subsection 58-1-501(1).

(2) Subsection (1)(b) does not apply to:
(a) giving or receiving a price discount based on purchase volume;
(b) passing along a pharmaceutical manufacturer's rebate; or
(c) providing compensation for services to a veterinarian.
(3) "Unprofessional conduct" does not include:
(a) in accordance with
Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis when registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201, providing pharmacy medical provider services in a medical cannabis pharmacy; or
(b) if a pharmacist reasonably believes that a prescription drug will have adverse or harmful effects on an individual and warns the individual of the potential effects, filling a prescription prescribed by a health care provider who:
(i) is operating within the health care provider's scope of practice; and
(ii) is deviating from a medical norm or established practice in accordance with Subsection 58-1-501(2)(b)(i).
(4) Notwithstanding Subsection (3), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

Amended by Chapter 64, 2026 General Session

58-17b-503 Exception to unprofessional conduct.
(1) For purposes of this section:
(a) "Licensed intermediate care facility for people with an intellectual disability" means an intermediate care facility for people with an intellectual disability that is licensed as a nursing care facility or a small health care facility under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
(b) "Nursing care facility" means the same as that term is defined in Section 26B-2-201.
(c) "Unit pack" means a tamper-resistant nonreusable single-dose single-drug package with identification that indicates the lot number and expiration date for the drug.
(2) A pharmacist may accept and redistribute an unused drug, or part of it, after it has left the premises of the pharmacy:
(a) in accordance with Part 9, Charitable Prescription Drug Recycling Act;
(b) if:
(i) the drug was prescribed to a patient in a nursing care facility, licensed intermediate care facility for people with an intellectual disability, or state prison facility, county jail, or state hospital;
(ii) the drug was stored under the supervision of a licensed health care provider according to manufacturer recommendations;
(iii) the drug is in a unit pack or in the manufacturer's sealed container;
(iv) the drug was returned to the original dispensing pharmacy;
(v) the drug was initially dispensed by a licensed pharmacist or licensed pharmacy intern; and
(vi) accepting back and redistributing of the drug complies with federal Food and Drug Administration and Drug Enforcement Administration regulations; or
(c) if:
(i) the pharmacy has attempted to deliver the drug to a patient or a patient's agent via the United States Postal Service, a licensed common carrier, or supportive personnel;

(ii) the drug is returned to the pharmacy by the same person or carrier that attempted to deliver the drug; and

(iii) in accordance with United States Food and Drug Administration regulations and rules established by the division, a pharmacist at the pharmacy determines that the drug has not been adversely affected by the drug's attempted delivery and return.

Amended by Chapter 328, 2023 General Session

58-17b-504 Penalty for unlawful or unprofessional conduct -- Fines -- Citations.

(1) Any person who violates any of the unlawful conduct provisions of Subsection 58-1-501(1)(a)(i) and Subsections 58-17b-501(7) and (11) is guilty of a third degree felony.

(2) Any person who violates any of the unlawful conduct provisions of Subsection 58-1-501(1)(a)(ii), Subsections 58-1-501(1)(b) through (e), and Section 58-17b-501, except Subsections 58-17b-501(7) and (11), is guilty of a class A misdemeanor.

(3)

(a) Subject to Subsection (5) and in accordance with Section 58-17b-401, for acts of unprofessional or unlawful conduct, the division may:

(i) assess administrative penalties; and

(ii) take any other appropriate administrative action.

(b) An administrative penalty imposed pursuant to this section shall be deposited in the General Fund as a dedicated credit to be used by the division for pharmacy licensee education and enforcement as provided in Section 58-17b-505.

(4) If a licensee has been convicted of violating Section 58-17b-501 prior to an administrative finding of a violation of the same section, the licensee may not be assessed an administrative fine under this chapter for the same offense for which the conviction was obtained.

(5)

(a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Section 58-17b-501 or 58-17b-502, Chapter 37, Controlled Substances, Chapter 37f, Controlled Substance Database Act, Chapter 1, Division of Professional Licensing Act, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-17b-501 or 58-17b-502, Chapter 37, Controlled Substances, Chapter 37f, Controlled Substance Database Act, Chapter 1, Division of Professional Licensing Act, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b) Any person who is in violation of a provision described in Subsection (5)(a), or any rule or order issued with respect to a provision described in Subsection (5)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding, may be assessed a fine in accordance with this Subsection (5) of up to $10,000 per single violation or up to $2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule, and may, in addition to or in lieu of, be ordered to cease and desist from violating the provision described in Subsection (5)(a), or any rule or order issued with respect to the provision described in Subsection (5)(a).

(c) Except for an administrative fine and a cease and desist order, the licensure sanctions cited in Section 58-17b-401 may not be assessed through a citation.
(d) Each citation shall be in writing and specifically describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated. The citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation in order to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act. The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
(e) Each citation issued under this section, or a copy of each citation, may be served upon any person upon whom a summons may be served:
(i) in accordance with the Utah Rules of Civil Procedure;
(ii) personally or upon the person's agent by a division investigator or by any person specially designated by the director; or
(iii) by mail.
(f) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest the citation may be extended by the division for cause.
(g) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with the citation after it becomes final.
(h) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.
(i) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.
(6)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 362, 2026 General Session

58-17b-505 Educational and enforcement fund.
(1) The director may use the money collected pursuant to Section 58-17b-504 for the following purposes:
(a) education and training of licensees under this chapter;
(b) enforcement of this chapter by:
(i) investigating unprofessional or unlawful conduct;
(ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct;
(iii) monitoring compliance of renewal requirement; and
(iv) education and training of division staff and board members.
(2) All funding for the purposes listed in Subsection (1) is nonlapsing.

(3) Any penalty which is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(4) Any county attorney or the attorney general of the state is to provide legal assistance and advice to the director in any action to collect the penalty. In any action brought to enforce the provisions of this section, reasonable attorney's fees and costs shall be awarded in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.

Enacted by Chapter 280, 2004 General Session

58-17b-506 Petitioning for reinstatement of licensure.

Any person whose license to practice pharmacy in this state has been revoked, suspended, or surrendered voluntarily or by action of the division, shall have the right at reasonable intervals, to petition the division for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the division. Upon investigation and hearing, the division may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances that have changed sufficiently to warrant such modifications. The division, also at its discretion, may require such person to pass an examination or examinations for re-entry into the practice of pharmacy.

Enacted by Chapter 280, 2004 General Session

58-17b-507 Opiate antagonist -- Immunity from liability -- Exclusion from unlawful or unprofessional conduct.

(1) As used in this section:
(a) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.
(b)
(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
(ii) "Opiate antagonist" includes an expired opiate antagonist.
(c) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
(2) A person licensed under this chapter that dispenses an opiate antagonist to an individual with a prescription for an opiate antagonist, to an overdose outreach provider with a prescription for an opiate antagonist, or pursuant to a standing prescription drug order issued in accordance with Subsection 26B-4-510(2) is not liable for any civil damages resulting from the outcomes of the eventual administration of the opiate antagonist to an individual who another individual believes is experiencing an opiate-related drug overdose event.
(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.
(4) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to a person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), on behalf of an individual if the person obtaining the opiate antagonist has a prescription for the opiate antagonist from a licensed prescriber

or the opiate antagonist is dispensed pursuant to a standing prescription drug order issued in accordance with Subsection 26B-4-510(2).

(5) It is not unprofessional conduct or unlawful conduct for a licensee under this chapter to dispense an opiate antagonist to an overdose outreach provider if the overdose outreach provider has a prescription for the opiate antagonist from a licensed prescriber issued pursuant to Subsection 26B-4-509(2)(a)(iii).

Amended by Chapter 80, 2026 General Session

Part 6
Regulation of the Practice of Pharmacy Operating Standards

58-17b-601 General operating standards.

(1)

(a) The division shall make rules relating to the operations and conduct of facilities, individuals, and entities which are regulated under this chapter, to protect the public health, safety, and welfare.

(b) The rules shall be consistent with the regulations of the Federal Food and Drug Administration and Drug Enforcement Administration, this chapter, and all other laws relating to activities and persons regulated under this chapter.

(2)

(a) This chapter does not prevent, restrict, or in any other manner interfere with the sale of nonprescription drugs.

(b) The division may not make any rules under this chapter that require nonprescription drugs to be sold by a licensed pharmacist or only in a pharmaceutical facility.

(c) The sale or distribution of nonprescription drugs does not constitute the practice of pharmacy.

Enacted by Chapter 280, 2004 General Session

58-17b-602 Prescription orders -- Information required -- Alteration -- Labels -- Signatures -- Dispensing in pharmacies.

(1) Except as provided in Section 58-1-501.3, the minimum information that shall be included in a prescription order, and that may be defined by rule, is:

(a) the prescriber's name, address, and telephone number, and, if the order is for a controlled substance, the patient's age and the prescriber's DEA number;

(b) the patient's name and address or, in the case of an animal, the name of the owner and species of the animal;

(c) the date of issuance;

(d) the name of the medication or device prescribed and dispensing instructions, if necessary;

(e) the directions, if appropriate, for the use of the prescription by the patient or animal and any refill, special labeling, or other instructions;

(f) the prescriber's signature if the prescription order is written;

(g) if the order is an electronically transmitted prescription order, the prescribing practitioner's electronic signature; and

(h) if the order is a hard copy prescription order generated from electronic media, the prescribing practitioner's electronic or manual signature.

(2) The requirement of Subsection (1)(a) does not apply to prescription orders dispensed for inpatients by hospital pharmacies if the prescriber is a current member of the hospital staff and the prescription order is on file in the patient's medical record.
(3) Unless it is for a Schedule II controlled substance, a prescription order may be dispensed by a pharmacist or pharmacy intern upon an oral prescription of a practitioner only if the oral prescription is promptly reduced to writing.
(4)
  (a) Except as provided under Subsection (4)(b), a pharmacist or pharmacy intern may not dispense or compound any prescription of a practitioner if the prescription shows evidence of alteration, erasure, or addition by any person other than the person writing the prescription.
  (b) A pharmacist or pharmacy intern dispensing or compounding a prescription may alter or make additions to the prescription after receiving permission of the prescriber and may make entries or additions on the prescription required by law or necessitated in the compounding and dispensing procedures.
(5)
  (a) Each drug dispensed shall have a label securely affixed to the container indicating the following minimum information:
    (i) the name, address, and telephone number of the pharmacy;
    (ii) the serial number of the prescription as assigned by the dispensing pharmacy;
    (iii) the filling date of the prescription or its last dispensing date;
    (iv) the name of the patient, or in the case of an animal, the name of the owner and species of the animal;
    (v) the name of the prescriber;
    (vi) the directions for use and cautionary statements, if any, which are contained in the prescription order or are needed;
    (vii) except as provided in Subsection (7), the trade, generic, or chemical name, amount dispensed and the strength of dosage form, but if multiple ingredient products with established proprietary or nonproprietary names are prescribed, those products' names may be used; and
    (viii) the beyond use date.
  (b) The requirements described in Subsections (5)(a)(i) through (vi) do not apply to a label on the container of a drug that a health care provider administers to a patient at:
    (i) a pharmaceutical administration facility; or
    (ii) a hospital licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
(6) A hospital pharmacy that dispenses a prescription drug that is packaged in a multidose container to a hospital patient may provide the drug in the multidose container to the patient when the patient is discharged from the hospital if:
  (a) the pharmacy receives a discharge order for the patient; and
  (b) the pharmacy labels the drug with the:
    (i) patient's name;
    (ii) drug's name and strength;
    (iii) directions for use of the drug, if applicable; and
    (iv) pharmacy's name and phone number.
(7) If the prescriber specifically indicates the name of the prescription product should not appear on the label, then any of the trade, generic, chemical, established proprietary, and established nonproprietary names and the strength of dosage form may not be included.

(8) Prescribers are encouraged to include on prescription labels the information described in Section 58-17b-602.5 in accordance with the provisions of that section.
(9) A pharmacy may only deliver a prescription drug to a patient or a patient's agent:
(a) in person at the pharmacy; or
(b) via the United States Postal Service, a licensed common carrier, or supportive personnel, if the pharmacy takes reasonable precautions to ensure the prescription drug is:
(i) delivered to the patient or patient's agent; or
(ii) returned to the pharmacy.

Amended by Chapter 328, 2023 General Session

58-17b-602.1 Dispensing quantity or dosage form different from prescription.
(1) Without specific authorization from a prescriber, a pharmacist or pharmacy intern may dispense:
(a) a prescription in a quantity different than the quantity prescribed if the prescribed quantity or package size is not commercially available; and
(b) a prescription in a dosage form different than the dosage form prescribed, if in the professional judgement of the pharmacist or pharmacy intern, dispensing a different dosage form is in the best interest of the patient.
(2) This section does not apply if:
(a) the substitute would change the bioavailability of the medication;
(b) the substitute would change the treatment parameters; or
(c) the prescriber has written or clearly designated "dispense as written" on the prescription.

Enacted by Chapter 372, 2020 General Session

58-17b-602.5 Information on prescription labels -- Education outreach.
The division, in order to assist emergency responders in quickly determining the physical condition of a patient at the scene of an emergency, as well as for the benefit of physicians and consumers, shall:
(1) provide information on the pharmacy licensing website recommending that prescribers, pharmacists, and pharmacy interns include information on the label of a drug dispensed under Section 58-17b-602 describing the condition the prescription is meant to treat; and
(2) as part of the website information, specify that information described in Subsection (1) should not be included on the label if the prescriber or patient indicates that the information may not be included on the label.

Enacted by Chapter 79, 2013 General Session

58-17b-603 Identification of pharmacy personnel.
All individuals employed in a pharmacy facility having any contact with the public or patients receiving services from that pharmacy facility shall wear on their person a clearly visible and readable identification showing the individual's name and position.

Amended by Chapter 210, 2024 General Session

58-17b-604 Medication profiles.

(1) Each pharmacy shall establish a medication profile system for pharmacy patients according to the standards established by division rules made in collaboration with the board. The rules shall indicate the method for recording all prescription information.
(2) The pharmacy shall maintain the medication profile for any pharmacy patient who expresses a desire for that professional service.
(3) The pharmacy may charge an appropriate professional fee for this service and for copying or providing information in the medication profile to another authorized person.
(4) A pharmacist, pharmacy intern, or pharmacy technician may not release or discuss the information contained in a prescription or patient's medication profile to anyone except:
(a) the pharmacy patient in person or the pharmacy patient's legal guardian or designee;
(b) a lawfully authorized federal, state, or local drug enforcement officer;
(c) a third party payment program administered under terms authorized by the pharmacy patient;
(d) a pharmacist, pharmacy intern, or pharmacy technician providing pharmacy services to the patient or a prescribing practitioner providing professional services to the patient;
(e) another pharmacist, pharmacy intern, pharmacy technician, or prescribing practitioner to whom the patient has requested a prescription transfer; or
(f) the pharmacy patient's attorney, after the presentation of a written authorization signed by the:
(i) patient, before a notary public;
(ii) parent or lawful guardian, if the patient is a minor;
(iii) lawful guardian, if the patient is incompetent; or
(iv) personal representative, if the patient is deceased.

Enacted by Chapter 280, 2004 General Session

58-17b-605 Drug product equivalents and similar drug products.
(1) For the purposes of this section:
(a)
(i) "Drug" is as defined in Section 58-17b-102.
(ii) "Drug" includes a "biological product" as defined in Section 58-17b-605.5.
(b) "Drug product equivalent" means a drug product that is designated as the therapeutic equivalent of another drug product in the Approved Drug Products with Therapeutic Equivalence Evaluations prepared by the Center for Drug Evaluation and Research of the United States Food and Drug Administration.
(c) "Osteopathic Physician and Surgeon's Licensing Board" means the board created in Section 58-68-201.
(d) "Medical Licensing Board" means the board created in Section 58-67-201.
(e) "Therapeutically similar drug product" means a drug product that:
(i) provides a similar level of therapeutic benefit and risk to a patient as another drug product; and
(ii) is on the list of therapeutically similar drugs created by the division in accordance with Subsection (9).
(2) A pharmacist or pharmacy intern dispensing a prescription order for a specific drug by brand or proprietary name may substitute:
(a) a drug product equivalent for the prescribed drug if:
(i) the purchaser specifically requests or consents to the substitution of a drug product equivalent;
(ii) the drug product equivalent is of the same generic type and is designated the therapeutic equivalent in the approved drug products with therapeutic equivalence evaluations

prepared by the Center for Drug Evaluation and Research of the Federal Food and Drug Administration;

(iii) the drug product equivalent is permitted to move in interstate commerce;

(iv) the pharmacist or pharmacy intern counsels the patient on the use and the expected response to the prescribed drug, whether a substitute or not;

(v) the substitution is not otherwise prohibited by law; and

(vi) the prescribing practitioner has not indicated that a drug product equivalent may not be substituted for the drug, as provided in Subsection (6); or

(b) a therapeutically similar drug product if:

(i) the prescriber has written "similar substitution authorized" on the prescription or otherwise indicates that a therapeutically similar drug product substitution is desired for the prescribed drug;

(ii) the therapeutically similar drug product is listed on the therapeutically similar drug list described in Subsection (9) as a drug that can be substituted for the prescribed drug;

(iii) the purchaser specifically requests or consents to the substitution of the therapeutically similar drug;

(iv) the dispensed therapeutically similar drug product is permitted to move in interstate commerce;

(v) the pharmacist or pharmacy intern counsels the patient on the use and the expected response to the therapeutically similar drug product;

(vi) the substitution is not otherwise prohibited by law; and

(vii) the substitution:

(A) results in a decreased cost to the patient;

(B) is covered on the patient's health benefit plan formulary as a preferred drug or at the same or lower payment tier;

(C) is necessary because the pharmacist does not have the originally prescribed medication available to dispense to the patient; or

(D) would be beneficial to the patient for any reason if the patient and pharmacist mutually agree that the substitution would benefit the patient.

(3)

(a) Each out-of-state mail service pharmacy dispensing a drug product equivalent or a therapeutically similar drug product as a substitute for another drug into this state shall notify the patient of the substitution either by telephone or in writing.

(b) Each out-of-state mail service pharmacy shall comply with the requirements of this chapter with respect to a drug product equivalent or a therapeutically similar drug product substituted for another drug, including labeling and record keeping.

(4) Pharmacists or pharmacy interns may not substitute without the prescriber's authorization on trade name drug product prescriptions unless the product is currently categorized in the approved drug products with therapeutic equivalence evaluations prepared by the Center for Drug Evaluation and Research of the United States Food and Drug Administration as a drug product considered to be therapeutically equivalent to another drug product.

(5) A pharmacist or pharmacy intern who dispenses a prescription with a drug product equivalent or a therapeutically similar drug product under this section assumes no greater liability than would be incurred had the pharmacist or pharmacy intern dispensed the prescription with the drug product prescribed.

(6)

(a) If, in the opinion of the prescribing practitioner, it is in the best interest of the patient that a drug product equivalent not be substituted for a prescribed drug, the practitioner may

indicate a prohibition on substitution either by writing "dispense as written" or signing in the appropriate space where two lines have been preprinted on a prescription order and captioned "dispense as written" or "substitution permitted".

(b) If the prescription is communicated orally by the prescribing practitioner to the pharmacist or pharmacy intern, the practitioner shall indicate the prohibition on substitution and that indication shall be noted in writing by the pharmacist or pharmacy intern with the name of the practitioner and the words "orally by" and the initials of the pharmacist or pharmacy intern written after it.

(7)

(a) A pharmacist or pharmacy intern who substitutes a drug product equivalent or therapeutically similar drug product for a prescribed drug shall communicate the substitution to the purchaser.

(b) The drug product equivalent or therapeutically similar drug product container shall be labeled with the name of the drug dispensed.

(c) The pharmacist, pharmacy intern, or pharmacy technician shall indicate on the file copy of the prescription both the name of the prescribed drug and the name of the drug product equivalent or the therapeutically similar drug product dispensed in place of the prescribed drug.

(8)

(a) For purposes of this Subsection (8), "substitutes" means to substitute:

(i) a generic drug for another generic drug;

(ii) a generic drug for a nongeneric drug;

(iii) a nongeneric drug for another nongeneric drug; or

(iv) a nongeneric drug for a generic drug.

(b) A prescribing practitioner who makes a finding under Subsection (6)(a) for a patient with a seizure disorder shall indicate a prohibition on substitution of a drug product equivalent in the manner provided in Subsection (6)(a) or (b).

(c) Except as provided in Subsection (8)(d), a pharmacist or pharmacy intern who cannot dispense the prescribed drug as written, and who needs to substitute a drug product equivalent for the drug prescribed to the patient to treat or prevent seizures shall notify the prescribing practitioner before the substitution.

(d) Notification under Subsection (8)(c) is not required if the drug product equivalent is paid for in whole or in part by Medicaid.

(9)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the board and the Medical Licensing Board , the division shall create a therapeutically similar drug product list that contains lists of drug products that are therapeutically similar to each other.

(b) The division may not add a drug product to the therapeutically similar drug product list if the addition is opposed by:

(i) the board; or

(ii) the Medical Licensing Board.

(c) When considering a drug to be added to the therapeutically similar drug product list, the division shall consult with each board described in Subsection (9)(b).

(d) When consulting with the division under Subsection (9)(c), a board described in Subsection (9)(b) may:

(i) review clinical practice guidelines;

(ii) review peer-reviewed studies; and

(iii) consult with medical specialists who are familiar with the drug under consideration.

(e) When creating the therapeutically similar drug product list, before considering any other types of drugs, the division shall consider:

(i) albuterol inhalers;

(ii) injectable forms of insulin; and

(iii) diabetic test strips.

(f) The division may, in consultation with each board described in Subsection (9)(b), create standards in rule for considering drug products that should be added to the therapeutically similar drug product list.

(10) Failure of a licensed medical practitioner to specify that no substitution is authorized does not constitute evidence of negligence.

Amended by Chapter 88, 2026 General Session

58-17b-605.5 Interchangeable biological products.

(1) For the purposes of this section:

(a) "Biological product" means the same as that term is defined in 42 U.S.C. Sec. 262.

(b) "Interchangeable biological product" means a biological product that the federal Food and Drug Administration:

(i) has:

(A) licensed; and

(B) determined meets the standards for interchangeability pursuant to 42 U.S.C. Sec. 262(k)(4); or

(ii) has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.

(2) A pharmacist or pharmacy intern dispensing a prescription order for a specific biological product by brand or proprietary name may substitute an interchangeable biological product for the prescribed biological product only if:

(a) the purchaser specifically requests or consents to the substitute of an interchangeable biological product;

(b) the interchangeable biological product is permitted to move in interstate commerce;

(c) the pharmacist or pharmacy intern counsels the patient on the use and the expected response to the prescribed biological product, whether a substitute or not, and the substitution is not otherwise prohibited by this chapter;

(d) the prescribing practitioner has not prohibited the substitution of an interchangeable biological product for the prescribed biological product, as provided in Subsection (6); and

(e) the substitution is not otherwise prohibited by law.

(3) Each out-of-state mail service pharmacy dispensing an interchangeable biological product as a substitute for another biological product into this state shall:

(a) notify the patient of the substitution either by telephone or in writing; and

(b) comply with the requirements of this chapter with respect to an interchangeable biological product substituted for another biological product, including labeling and record keeping.

(4) Pharmacists or pharmacy interns may not substitute without the prescriber's authorization biological product prescriptions unless the product has been determined by the United States Food and Drug Administration to be interchangeable with the prescribed biological product.

(5) A pharmacist or pharmacy intern who dispenses a prescription with an interchangeable biological product under this section assumes no greater liability than would be incurred had

the pharmacist or pharmacy intern dispensed the prescription with the biological product prescribed.

(6)

(a) If, in the opinion of the prescribing practitioner, it is in the best interest of the patient that an interchangeable biological product not be substituted for a prescribed biological product, the practitioner may prohibit a substitution either by writing "dispense as written" or by signing in the appropriate space where two lines have been preprinted on a prescription order and captioned "dispense as written" or "substitution permitted."

(b)

(i) If the prescription is communicated orally by the prescribing practitioner to the pharmacist or pharmacy intern, the practitioner shall direct the prohibition or substitution.

(ii) The pharmacist or pharmacy intern shall make a written note of the practioner's direction by writing the name of the practitioner and the words "orally by" and the initials of the pharmacist or pharmacy intern written after it.

(7) A pharmacist or pharmacy intern who substitutes an interchangeable biological product for a prescribed biological product shall communicate the substitution to the purchaser. The interchangeable biological product container shall be labeled with the name of the interchangeable biological product dispensed, and the pharmacist, pharmacy intern, or pharmacy technician shall indicate on the file copy of the prescription both the name of the prescribed biological product and the name of the interchangeable biological product dispensed in its place.

(8) Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry into an interoperable electronic medical records system, through an electronic prescribing technology, a pharmacy benefit management system, or a pharmacy record that is electronically accessible by the prescriber. Entry into an electronic records system as described in this Subsection (8) is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, provided that communication shall not be required where:

(a) there is no FDA-approved interchangeable biological product for the product prescribed;

(b) a refill prescription is not changed from the product dispensed on the prior filling of the prescription; or

(c) the product is paid for using cash or cash equivalent.

Amended by Chapter 266, 2015 General Session

58-17b-606 Restrictive drug formulary prohibited.

(1) As used in this section:

(a) "Generic form" means a prescription drug that is available in generic form and has an A rating in the United States Pharmacopeia and Drug Index.

(b) "Legend drug" has the same meaning as prescription drug.

(c) "Restrictive drug formulary" means a list of legend drugs, other than drugs for cosmetic purposes, that the Department of Health and Human Services prohibits from dispensation, but are approved by the Federal Food and Drug Administration.

(2) A practitioner may prescribe legend drugs in accordance with this chapter that, in the practitioner's professional judgment and within the lawful scope of the practitioner's practice,

and that the practitioner considers appropriate for the diagnosis and treatment of the practitioner's patient.

(3) Except as provided in Subsection (4), the Department of Health and Human Services may not maintain a restrictive drug formulary that restricts a physician's ability to treat a patient with a legend drug that the Federal Food and Drug Administration approves and designates as safe and effective, except for drugs for cosmetic purposes.

(4) When a multisource legend drug is available in the generic form, the Department of Health and Human Services may only reimburse for the generic form of the drug unless the treating physician demonstrates to the Department of Health and Human Services a medical necessity for dispensing the nongeneric, brand-name legend drug.

(5) The Department of Health and Human Services pharmacists may override the generic mandate provisions of Subsection (4) if a financial benefit will accrue to the state.

(6) This section does not affect the state's ability to exercise the exclusion options available under the Federal Omnibus Budget Reconciliation Act of 1990.

Amended by Chapter 64, 2026 General Session

58-17b-607 Drug substitution is not the practice of medicine -- Other causes of action not denied.

(1) The substitution of any drug by a licensed pharmacist or pharmacy intern under this chapter does not constitute the practice of medicine.

(2) This chapter may not be construed to deny any individual a cause of action against a pharmacist, pharmacy intern, or the pharmacist's or pharmacy intern's employer for violations of this chapter, including failure to observe accepted standards of care of the pharmaceutical profession.

Amended by Chapter 64, 2026 General Session

58-17b-608 Emergency refills.

(1) If a prescription may not be refilled otherwise, a pharmacist or pharmacy intern may refill the prescription in an emergency without the prescribing practitioner's authorization if:

(a) the prescription is for a drug that is not a controlled substance;

(b) the patient is currently using the drug prescribed;

(c) the prescribing practitioner is not available promptly to authorize the refill;

(d) the pharmacist or pharmacy intern, or another pharmacist or pharmacy intern at the same pharmacy, has not previously dispensed a refill for the prescription under this section;

(e) refilling the prescription is in the interest of the patient's health;

(f) in the professional judgment of the pharmacist or pharmacy intern the prescription should be refilled;

(g) except as provided in Subsection (1)(h), the pharmacist or pharmacy intern dispenses the medication in accordance with the prescribing practitioner's instructions included with the prescription; and

(h) the pharmacist or pharmacy intern dispenses no more than the amount necessary to address the emergency.

(2) If the prescription for a drug dispensed under Subsection (1) is on file with the pharmacy where the drug is dispensed, the pharmacist or pharmacy intern may dispense more than a three-day supply only if:

(a)

(i) the prescription has expired within the past 30 days; or
(ii) no refills are remaining on the prescription; and
(b) the amount dispensed does not exceed the lesser of:
(i) a 30-day supply; or
(ii) the quantity last dispensed at the pharmacy pursuant to the prescription as either a fill or a refill.
(3) A pharmacist or pharmacy intern who dispenses a prescription refill under this section shall inform the prescribing practitioner of the emergency refill as soon as practicable.

Repealed and Re-enacted by Chapter 372, 2020 General Session

58-17b-608.1 Refills of legend drug prescriptions.
(1) If a prescription for a legend drug includes authorization for one or more refills, a pharmacist or pharmacy intern may dispense one or more of the refills at the time the drug is dispensed, if:
(a) the drug is not a controlled substance;
(b) the prescription does not include "Dispense quantity written," or some other notation having similar meaning;
(c) the total dosage units dispensed, including the units for both the prescription and any refills, do not exceed a 100-day supply; and
(d) in the professional judgment of the pharmacist or pharmacy intern, the refill or refills should be dispensed at the time the prescription is dispensed.
(2) A pharmacist or pharmacy intern may dispense a refill of a prescription for a liquid legend drug administered to the eye once an amount of time has passed after which a patient should have used 70% of the dosage units of the drug according to a practitioner's instructions.

Amended by Chapter 386, 2014 General Session

58-17b-608.2 Insulin prescriptions and diabetes supplies.
(1) As used in this section, "exhausted prescription" means a prescription for an insulin that the patient is currently using that:
(a) expired no earlier than six months before the patient requests the pharmacist for a refill; or
(b) is not expired and has no refills remaining.
(2) If a valid prescription for insulin includes an authorization for one or more refills, a pharmacist may combine refills to dispense a supply for 100 days but may not exceed the total supply authorized by the refills.
(3) Notwithstanding Section 58-17b-608 and Subsection (2), a pharmacist may, on an emergency basis, dispense a refill for an exhausted prescription based on the prescribing practitioner's instructions for the exhausted prescription in an amount up to a supply for 60 days.
(4) A pharmacist may dispense insulin for an exhausted prescription described in Subsection (3) no more than one time per exhausted prescription.
(5) Before a pharmacist may dispense insulin under Subsection (3), the pharmacist shall:
(a) attempt to contact the prescribing practitioner to inform the prescribing practitioner that the patient's prescription has expired; and
(b) notify the patient of the outcome of the attempt described in Subsection (5)(a).
(6) Within 30 days after the day on which a pharmacist dispenses insulin under Subsection (3), the pharmacist shall inform the prescribing practitioner of:
(a) the amount of insulin dispensed; and
(b) the type of insulin dispensed.

(7) A pharmacist may dispense a therapeutic equivalent when filling a prescription for:
(a) a glucometer;
(b) diabetes test strips;
(c) lancets;
(d) syringes;
(e) needles; or
(f) other supplies for treating diabetes designated by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 465, 2022 General Session

58-17b-609 Limitation on prescriptions and refills -- Controlled Substances Act not affected -- Legend drugs.
(1) Except as provided in Sections 58-16a-102 and 58-17b-608.2, a prescription for any prescription drug or device may not be dispensed after one year from the date it was initiated except as otherwise provided in Chapter 37, Controlled Substances.
(2) Except as provided in Section 58-17b-608.2, a prescription authorized to be refilled may not be refilled after two years from the original issue date.
(3) A practitioner may not be prohibited from issuing a new prescription for the same drug orally, in writing, or by electronic transmission.
(4) Nothing in this chapter affects Chapter 37, Controlled Substances.
(5) A prescription for a legend drug written by a licensed prescribing practitioner in another state may be filled or refilled by a pharmacist or pharmacy intern in this state if the pharmacist or pharmacy intern verifies that the prescription is valid.

Amended by Chapter 88, 2026 General Session

58-17b-610 Patients' immediate needs -- Dispensing drug samples.
(1) This chapter may not be construed to prevent the personal administration of drugs or medicines by practitioners licensed to prescribe in order to supply the immediate needs of the practitioner's patients.
(2) Immediate need for a patient includes giving out drug samples that:
(a) are not Schedule II drugs, opioids, or benzodiazepines;
(b) are prepackaged by the original manufacturer;
(c) are provided to the prescribing practitioner free of charge and provided to the patient free of any direct or indirect charge;
(d) do not exceed a 30-day supply for:
(i) controlled substances; or
(ii) non-controlled substances, unless a prescribing practitioner documents that providing more than a 30-day supply is medically necessary; and
(e)
(i) are marked on the immediate container to indicate that the drug is a sample; or
(ii) are recorded in the patient's chart with the name and number of samples provided.
(3) A prescribing practitioner who provides samples for a patient shall comply with Subsection (2).

Amended by Chapter 340, 2021 General Session

58-17b-610.6 Hospital pharmacy dispensing prescription drugs.

(1) As used in this section, "controlled substance" means a substance classified as a controlled substance under the Controlled Substances Act, Title II, Pub. L. No. 91-513 et seq., or Section 58-37-108.
(2)
(a) Subject to Subsection (2)(b), the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in consultation with hospital pharmacies, to establish guidelines under which a hospital pharmacy may dispense a limited supply of a prescription drug to an individual who is no longer a patient in the hospital setting if:
(i) the individual is discharged from the hospital on the same day that the hospital pharmacy dispenses the prescription drug to the individual;
(ii) in the professional judgment of the practitioner, dispensing the drug is necessary for the patient's immediate needs;
(iii) the class A pharmacy with which the patient has an established pharmacy-patient relationship:
(A) is not open at the time of the patient's discharge; or
(B) unable to dispense the medication for any reason;
(iv) the hospital pharmacy dispenses a quantity of the prescription drug that is not more than a 72-hour supply; and
(v) dispensing the prescription drug complies with protocols established by the hospital pharmacy.
(b)
(i) A hospital pharmacy may dispense an opioid antagonist to a patient without satisfying Subsection (2)(a)(iii).
(ii) A hospital pharmacy that dispenses an opioid antagonist to a patient under Subsection (2)(b)(i) shall accept as payment the wholesale acquisition cost at the time of dispensing.
(3) A hospital pharmacy, or a practitioner or pharmacist in the hospital, may dispense a prescription drug in accordance with rules made under Subsection (2).

Amended by Chapter 362, 2026 General Session

58-17b-610.7 Partial filling of a Schedule II controlled substance prescription.
(1) For purposes of this section, "Schedule II controlled substance" means a substance classified as a Schedule II controlled substance by the federal Controlled Substances Act, Title II, Pub. L. No. 91-513 et seq., or Section 58-37-108.
(2) A prescription for a Schedule II controlled substance for a patient in a long-term care facility or a patient with a terminal illness may be partially filled in accordance with federal law.
(3) A prescription for a Schedule II controlled substance for a patient other than a patient described in Subsection (2) may be partially filled:
(a) in accordance with federal law and rules made under Subsection (5); and
(b) at the request of the practitioner who issued the prescription, or the patient.
(4) For purposes of Subsection (3), "partially filled" means that less than the full amount of the prescription is dispensed.
(5) For purposes of Subsection (3), the division shall makes rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(a) specifying how to record the date, quantity supplied, and quantity remaining of a prescription partially filled under Subsection (3); and
(b) otherwise necessary for the implementation of Subsections (2) and (3).

Amended by Chapter 362, 2026 General Session

58-17b-610.8 Prescription devices.

(1) The following documents from a prescribing practitioner are considered a prescription for purposes of dispensing of and payment for a device described in Subsection (4), if the device is prescribed or indicated by the document and the document is on file with a pharmacy:
  (a) a written prescription; or
  (b) a written record of a patient's:
    (i) current diagnosis; or
    (ii) treatment protocol.
(2) A pharmacist or pharmacy intern at a pharmacy at which a document that is considered a prescription under Subsection (1) is on file may dispense under prescription a device described in Subsection (4) to the patient in accordance with:
  (a) the document that is considered a prescription under Subsection (1); and
  (b) rules made by the division under Subsection (5).
(3) A pharmacist may prescribe a device described in Subsection (4) if:
  (a) the device is not prescribed or indicated by the document described in Subsection (1) that is on file with the pharmacy; and
  (b) the pharmacist determines that the device is necessary to ensure the appropriate delivery of the prescribed drug.
(4) This section applies to:
  (a) nebulizers;
  (b) spacers for use with nebulizers or inhalers; and
  (c) diabetic supplies.
(5) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the board and the Medical Licensing Board created in Section 58-67-201 to implement this section.

Amended by Chapter 486, 2025 General Session

58-17b-611 Pharmacy records.

(1) Each pharmacy shall maintain its prescription files and other records in accordance with this chapter, division rules made in collaboration with the board, and federal regulations.
(2) Each out-of-state mail service pharmacy shall maintain its prescription files in accordance with applicable rules or regulations of the state in which its facilities are located and federal regulations.

Enacted by Chapter 280, 2004 General Session

58-17b-612 Supervision -- Pharmacist-in-charge.

(1)
  (a) Any pharmacy, except a wholesaler, distributor, out-of-state mail service pharmacy, or class E pharmacy, shall be under the general supervision of at least one pharmacist licensed to practice in Utah. One pharmacist licensed in Utah shall be designated as the pharmacist-in-charge, whose responsibility it is to oversee the operation of the pharmacy.
  (b) Notwithstanding Subsection 58-17b-102(71), a supervising pharmacist does not have to be in the pharmacy or care facility but shall be available via a telepharmacy system for immediate contact with the supervised pharmacy technician or pharmacy intern if:

(i) the pharmacy is located in an area of need as defined by the division, in consultation with the board, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) the supervising pharmacist described in Subsection (1)(a) is not available;
(iii) the telepharmacy system maintains records and files quarterly reports as required by division rule to assure that patient safety is not compromised; and
(iv) the arrangement is approved by the division in collaboration with the board.
(c) Subsection (1)(b) applies to a pharmacy that is located in a hospital only if the hospital is controlled by a local board that owns no more than two hospitals.
(d) A supervising pharmacist may not supervise more than two pharmacies simultaneously under Subsection (1)(b).
(2) Each out-of-state mail service pharmacy shall designate and identify to the division a pharmacist holding a current license in good standing issued by the state in which the pharmacy is located and who serves as the pharmacist-in-charge for all purposes under this chapter.

Amended by Chapter 159, 2026 General Session

58-17b-613 Patient counseling.
(1) A pharmacy shall verbally offer to counsel a patient or a patient's agent in a personal face-to-face discussion regarding each prescription drug dispensed, if the patient or patient's agent:
(a) delivers the prescription in person to the pharmacist or pharmacy intern; or
(b) receives the drug in person at the time it is dispensed at the pharmacy facility.
(2) A pharmacist or pharmacy intern at a pharmacy that receives a prescription from a patient by means other than personal delivery, and that dispenses a prescribed drug to the patient by means other than personal delivery, shall provide the patient with:
(a) for a class D pharmacy, a toll-free telephone number at which the patient may contact a pharmacist or pharmacy intern at the pharmacy for patient counseling regarding the prescribed drug; or
(b) for a class A pharmacy, a telephone number by which the patient may contact a pharmacist or pharmacy intern at the pharmacy for patient counseling regarding the prescribed drug.
(3) Notwithstanding the provisions of Subsections (1) and (2), a pharmacist or a pharmacy intern may:
(a) provide patient counseling to an individual under the jurisdiction of the Utah Department of Corrections or a county detention facility via a written, telephone, or electronic communication; and
(b) provide medication guides or package inserts via written communication.

Amended by Chapter 210, 2024 General Session

58-17b-614 Notification.
(1) A pharmacy shall report in writing to the division not later than 10 business days:
(a) before the date of:
(i) a permanent closure of the pharmacy facility;
(ii) a change of business name or ownership of the pharmacy facility;
(iii) a change of location of the pharmacy facility;
(iv) a sale or transfer of any controlled substance as a result of the permanent closing or change of ownership of the pharmacy facility; or

(v) any matter or occurrence that the division requires by rule to be reported; or

(b) after the day on which:

(i) a final administrative disciplinary order is issued against the pharmacy license holder by the regulatory or licensing agency of the state in which the pharmacy is located if the pharmacy is a class D pharmacy;

(ii) a final order against a pharmacist is issued who is designated as the pharmacist-in-charge of the pharmacy by the regulatory or licensing agency of the state in which the pharmacy is located if the pharmacy is a class D pharmacy; or

(iii) any matter or occurrence that the division requires by rule to be reported.

(2) The division may grant a licensee's request to change the business name registered to a licensed pharmacy facility, if there has been no change in the underlying ownership or control of the pharmacy since the last time the business name of the pharmacy was registered or changed.

(3) A pharmacy shall report in writing to the division a disaster, accident, or emergency that may affect the purity or labeling of a drug, medication, device, or other material used in the diagnosis or treatment of injury, illness, or disease immediately upon the occurrence of the disaster, accident, or emergency as defined by rule.

(4) A reporting pharmacy shall maintain a copy of any notification required by this section for two years and make a copy available for inspection.

Amended by Chapter 210, 2024 General Session

58-17b-615 Sale of prescription drugs not in normal course of business.

(1) As used in this section, "seller" means a person selling prescription drugs or devices owned or lawfully controlled by the person, or a party arranging for the sale of prescription drugs or devices owned by or lawfully controlled by another person, including salvage companies that acquire prescription drugs and devices from, or act as an agent or representative for freight haulers and forwarders.

(2) Any sale of prescription drugs in bankruptcy, at public auction, at freight liquidation sales, or any other sale of prescription drugs other than in the normal course of business or practice shall comply with the following:

(a) a seller of prescription drugs shall be licensed by the division as a prescription drug distributor or wholesaler with a regular license, or a temporary license for that sale only, before engaging in the sale of any prescription drugs; and

(b) a person licensed as a pharmacy under this chapter may not acquire by purchase or other means prescription drugs or devices outside the normal course of business within the meaning of this section unless:

(i) the prescription drugs or devices are accompanied by a certificate signed by a licensed pharmacist employed or retained by the seller, as required in Subsection (3), attesting that the prescription drugs or devices have not been adversely affected by circumstances relating to their transportation, storage, or distribution; and

(ii) the licensee acquiring the prescription drugs or devices employs a qualified pharmacist who is responsible for determining that all prescription drugs being acquired do not pose any threat to the public welfare if introduced into commerce than would be presented by the acquisition of those prescription drugs and devices in the normal course of business through established channels of prescription drug distribution.

(3) A seller of prescription drugs outside the normal course of business shall retain the services of a qualified pharmacist licensed to practice in the state to serve as either an employee or independent consultant to determine if the:
  (a) prescription drugs and devices to be offered for sale have been transported, stored, and distributed in accordance with applicable federal, state, and local laws; and
  (b) condition of the prescription drugs and devices to be offered for sale has been adversely affected by the circumstances of transportation, storage, or distribution.
(4) The written notice provided to the division prior to the sale of any prescription drugs or devices under this section shall contain written verification of the pharmacist retained by the seller, stating the drugs or devices offered for sale have not been adversely affected by the circumstances of transportation, storage, or distribution.
(5) A pharmacist employed by a seller under Subsection (3) or a pharmacy, distributor, or wholesaler for whom that pharmacist may be employed or in which that pharmacist may have an interest, may not purchase any prescription drugs or devices from the seller for which that pharmacist has provided verification regarding the drugs or devices.

Amended by Chapter 64, 2026 General Session

58-17b-616 Drug stock sales -- Labeling.
(1) A manufacturer, wholesaler, or distributor of prescription drugs may not sell or give any prescription drug to any person, unless the prescription drug stock container bears a label containing information as defined by rule, the name and place of business of the manufacturer of the finished dosage form of the drug, and if different from the manufacturer, the name and place of business of the packer or distributor.
(2) Each tablet or capsule shall be marked with an identification code or monogram, unless waived by the division.
(3) Each stock package shall bear an expiration date and lot number.

Enacted by Chapter 280, 2004 General Session

58-17b-617 Limitations on distribution of prescription drugs by pharmaceutical manufacturers or wholesalers.
(1) A pharmaceutical manufacturer or pharmaceutical wholesaler may not provide a prescription drug to any person, except as defined by rule.
(2)
  (a) Prescription drugs that are not controlled substances may be:
    (i) distributed or provided as drug samples to a person licensed within the state to sell, prescribe, administer, or conduct research with legend drugs; and
    (ii) supplied in connection with a manufacturer's patient assistance program to be distributed to qualifying patients enrolled in the program.
  (b) Controlled substance prescription drugs may be sold or provided only:
    (i) upon the issuance of an order or request by a person appropriately licensed under state and federal law to sell, prescribe, administer, or conduct research with prescription drugs; and
    (ii) upon the establishment of documents in the possession of the manufacturer or distributor recording the purchaser, type of drug, quantity of drug, date of shipment, and date of delivery.
(3) Purchasers or those in receipt of drugs under this section shall maintain records in accordance with federal and state laws regarding controlled substances.

Enacted by Chapter 280, 2004 General Session

58-17b-618 Compliance with state and federal laws.

The entities licensed under Sections 58-17b-301 and 58-17b-302 shall comply with all state and federal laws and regulations relating to the practice of pharmacy.

Enacted by Chapter 280, 2004 General Session

58-17b-620 Prescriptions issued within the public health system.

(1) As used in this section:
(a) "Department of Health and Human Services" means the Department of Health and Human Services created in Section 26B-1-201.
(b) "Health department" means either the Department of Health and Human Services or a local health department.
(c) "Local health departments" mean the local health departments created in Title 26A, Chapter 1, Local Health Departments.
(2) When it is necessary to treat a reportable disease or non-emergency condition that has a direct impact on public health, a health department may implement the prescription procedure described in Subsection (3) for a prescription drug that is not a controlled substance for use in:
(a) a clinic; or
(b) a remote or temporary off-site location, including a triage facility established in the community, that provides:
(i) treatment for sexually transmitted infections;
(ii) fluoride treatment;
(iii) travel immunization;
(iv) preventative treatment for an individual with latent tuberculosis infection;
(v) preventative treatment for an individual at risk for an infectious disease that has a direct impact on public health when the treatment is indicated to prevent the spread of disease or to mitigate the seriousness of infection in the exposed individual; or
(vi) other treatment as defined by the Department of Health and Human Services by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3) In a circumstance described in Subsection (2), an individual with prescriptive authority may write a prescription for each contact, as defined in Section 26B-7-201, of a patient of the individual with prescriptive authority without a face-to-face exam, if:
(a) the individual with prescriptive authority is treating the patient for a reportable disease or non-emergency condition having a direct impact on public health; and
(b) the contact's condition is the same as the patient of the individual with prescriptive authority.
(4) The following prescription procedure shall be carried out in accordance with the requirements of Subsection (5) and may be used only in the circumstances described under Subsections (2) and (3):
(a) a physician writes and signs a prescription for a prescription drug, other than a controlled substance, without the name and address of the patient and without the date the prescription is provided to the patient; and
(b) the physician authorizes a registered nurse employed by the health department to complete the prescription written under this Subsection (4) by inserting the patient's name and address, and the date the prescription is provided to the patient, in accordance with:
(i) the physician's standing written orders; and

(ii) a written health department protocol approved by the medical director of the local health department or the medical director of the Department of Health and Human Services.

(5) A physician assumes responsibility for all prescriptions issued under this section in the physician's name.

(6)

(a) All prescription forms to be used by a physician and health department in accordance with this section shall be serially numbered according to a numbering system assigned to that health department.

(b) All prescriptions issued shall contain all information required under this chapter and rules adopted under this chapter.

(7) Notwithstanding Sections 58-17b-302 and 58-17b-309, a nurse who is employed by a health department and licensed under Chapter 31b, Nurse Practice Act, may dispense a drug to treat a sexually transmitted infection if the drug is:

(a) a prepackaged drug as defined in Section 58-17b-802;

(b) dispensed under a prescription authorized by this section;

(c) provided at a location that is described in Subsection (2)(a) or (b) and operated by the health department;

(d) provided in accordance with a dispensing standard that is issued by a physician who is employed by the health department; and

(e) if applicable, in accordance with requirements established by the division in collaboration with the board under Subsection (8).

(8) The division may make rules in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish specific requirements regarding the dispensing of a drug under Subsection (7).

Amended by Chapter 240, 2024 General Session
Amended by Chapter 305, 2024 General Session

58-17b-621 Automated pharmacy systems.

Automated pharmacy systems can be utilized in licensed pharmacies, remote locations under the jurisdiction of the Utah State Board of Pharmacy, and licensed health care facilities where legally permissible, as approved by the division in collaboration with the board, and described in rule.

Enacted by Chapter 280, 2004 General Session

58-17b-622 Pharmacy benefit management services -- Auditing of pharmacy records -- Appeals.

(1) As used in this section:

(a) "Audit" means a review of the records of a pharmacy by or on behalf of an entity that finances or reimburses the cost of health care services or pharmaceutical products.

(b) "Audit completion date" means:

(i) for an audit that does not require an on-site visit at the pharmacy, the date on which the pharmacy, in response to the initial audit request, submits records or other documents to the entity conducting the audit, as determined by:

(A) postmark or other evidence of the date of mailing; or

(B) the date of transmission if the records or other documents are transmitted electronically; and

(ii) for an audit that requires an on-site visit at a pharmacy, the date on which the auditing entity completes the on-site visit, including any follow-up visits or analysis which shall be completed within 60 days after the day on which the on-site visit begins.

(c) "Entity" includes:

(i) a pharmacy benefits manager or coordinator;

(ii) a health benefit plan;

(iii) a third party administrator as defined in Section 31A-1-301;

(iv) a state agency; or

(v) a company, group, or agent that represents, or is engaged by, one of the entities described in Subsections (1)(c)(i) through (iv).

(d) "Extrapolation" means a method of using a mathematical formula that uses the audit results from a small sample of insurance claims and projects the results over a larger group of insurance claims.

(e) "Fraud" means an intentional act of deception, misrepresentation, or concealment in order to gain something of value.

(f) "Health benefit plan" means:

(i) a health benefit plan as defined in Section 31A-1-301; or

(ii) a health, dental, medical, Medicare supplement, or conversion program offered under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act.

(2)

(a) Except as provided in Subsection (2)(b), this section applies to:

(i) a contract for the audit of a pharmacy entered into, amended, or renewed on or after July 1, 2012; and

(ii) an entity that conducts an audit of the pharmacy records of a pharmacy licensed under this chapter.

(b) This section does not apply to an audit of pharmacy records:

(i) for a federally funded prescription drug program, including:

(A) the state Medicaid program;

(B) the Medicare Part D program;

(C) a Department of Defense prescription drug program; and

(D) a Veterans Affairs prescription drug program; or

(ii) when fraud or other intentional and willful misrepresentation is alleged and the pharmacy audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation.

(3)

(a) An audit that involves clinical or professional judgment shall be conducted by or in consultation with a pharmacist who is employed by or working with the auditing entity and who is licensed in the state or another state.

(b) If an audit is conducted on site at a pharmacy, the entity conducting the audit:

(i) shall give the pharmacy 10 days advanced written notice of:

(A) the audit; and

(B) the range of prescription numbers and a date range for the prescription numbers included in the audit; and

(ii) may not audit a pharmacy during the first five business days of the month, unless the pharmacy agrees to the timing of the audit.

(c) An entity may not audit claims:

(i) submitted more than 18 months prior to the audit, unless:

(A) required by federal law; or

(B) the originating prescription is dated in the preceding six months; or
(ii) that exceed 200 selected prescription claims annually.
(d) Subsection (3)(c)(ii) does not apply to any investigative audit that involves fraud, waste, abuse, or willful misrepresentation.
(4)
(a) An entity may not:
(i) include dispensing fees in the calculations of overpayments unless the prescription is considered a misfill;
(ii) recoup funds for prescription clerical or recordkeeping errors, including typographical errors, scrivener's errors, and computer errors on a required document or record unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation;
(iii) recoup funds for refills dispensed in accordance with Section 58-17b-608.1, unless the health benefit plan does not cover the prescription drug dispensed by the pharmacy;
(iv) collect any funds, charge-backs, or penalties until the audit and all appeals are final, unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional and willful misrepresentation; or
(v) recoup funds or collect any funds, charge-backs, or penalties from a pharmacy in response to a request for audit unless the pharmacy confirms to the entity the date on which the pharmacy received the request for audit.
(b) Auditors shall only have access to previous audit reports on a particular pharmacy if the previous audit was conducted by the same entity except as required for compliance with state or federal law.
(5) A pharmacy subject to an audit:
(a) may use one or more of the following to validate a claim for a prescription, refill, or change in a prescription:
(i) electronic or physical copies of records of a health care facility, or a health care provider with prescribing authority;
(ii) any prescription that complies with state law;
(iii) the pharmacy's own physical or electronic records; or
(iv) the physical or electronic records, or valid copies of the physical or electronic records, of a practitioner or health care facility as defined in Section 26B-2-201; and
(b) may not be required to provide the following records to validate a claim for a prescription, refill, or change in a prescription:
(i) if the prescription was handwritten, the physical handwritten version of the prescription; or
(ii) a note from the practitioner regarding the patient or the prescription that is not otherwise required for a prescription under state or federal law.
(6)
(a)
(i) An entity that audits a pharmacy shall establish:
(A) a maximum time for the pharmacy to submit records or other documents to the entity following receipt of an audit request for records or documents; and
(B) a maximum time for the entity to provide the pharmacy with a preliminary audit report following submission of records under Subsection (6)(a)(i)(A).
(ii) The time limits established under Subsections (6)(a)(i)(A) and (B):
(A) shall be identical; and

(B) may not be less than seven days or more than 60 days.

(iii) An entity that audits a pharmacy may not, after the audit completion date, request additional records or other documents from the pharmacy to complete the preliminary audit report described in Subsection (6)(b).

(b) An entity that audits a pharmacy shall provide the pharmacy with a preliminary audit report:

(i) delivered to the pharmacy or its corporate office of record, within the time limit established under Subsection (6)(a)(i)(B); and

(ii) that includes a notation and detailed explanation for each suspected error.

(c)

(i) Except as provided in Subsection (6)(c)(ii), a pharmacy has 30 days following receipt of the preliminary audit report to respond to questions, provide additional documentation, and comment on and clarify findings of the audit.

(ii) An entity may grant a reasonable extension under Subsection (6)(c)(i) upon request by the pharmacy.

(iii) Receipt of the report under Subsection (6)(c)(i) shall be determined by:

(A) postmark or other evidence of the date of mailing; or

(B) the date of transmission if the report is transmitted electronically.

(iv) If a dispute exists between the records of the auditing entity and the pharmacy, the records maintained by the pharmacy shall be presumed valid for the purpose of the audit.

(7) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow any of the following:

(a) the pharmacy to resubmit a claim using any commercially reasonable method, including fax, mail, or electronic claims submission within 30 days from the day on which the audit report is received by the pharmacy; or

(b) the health benefit plan or other entity that finances or reimburses the cost of health care services or pharmaceutical products to rerun the claim if the health benefit plan or other entity chooses to rerun the claim at no cost to the pharmacy.

(8)

(a) Within 60 days after the completion of the appeals process under Subsection (9), a final audit report shall be delivered to the pharmacy or its corporate office of record.

(b) The final audit report shall include:

(i) a disclosure of any money recovered by the entity that conducted the audit; and

(ii) legal or contractual information supporting any money recovered, recoupments, or penalties included in the report.

(9)

(a) An entity that audits a pharmacy shall establish a written appeals process for appealing a preliminary audit report and a final audit report, and shall provide the pharmacy with notice of the written appeals process.

(b) If the pharmacy benefit manager's contract or provider manual contains the information required by this Subsection (9), the requirement for notice is met.

(10) An auditing entity conducting a pharmacy audit may not:

(a) use extrapolation when conducting an audit, including calculating recoupments or penalties for audits, unless otherwise required by federal law or a self-funded insurance plan; or

(b) compensate an employee or contractor participating in the audit in a manner that is based on the amount claimed or the actual amount recouped from the pharmacy being audited.

Amended by Chapter 486, 2025 General Session

58-17b-623 Disposal of unused prescription drugs.

(1) A pharmacy may accept unused prescription drugs for disposal in accordance with administrative rules adopted by the division.

(2) The division shall adopt administrative rules regarding a pharmacy accepting unused prescription drugs for disposal as permitted by federal law and regulation relating to the disposal of unused prescription drugs.

Enacted by Chapter 61, 2012 General Session

58-17b-624 Prescription drugs -- Sale to a practitioner for office use.

(1) A pharmacy licensed under this chapter may, subject to rules established by the division, repackage or compound a prescription drug for sale to a practitioner if:

(a) the prescription drug:

(i) does not include a compounded drug; or

(ii)

(A) includes a compounded drug; and

(B) is not a controlled substance;

(b) the pharmacy labels the prescription drug "for office use only";

(c) the practitioner administers the drug to a patient in the practitioner's office or facility; and

(d) except in accordance with Title 58, Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, the practitioner does not dispense the drug to the patient.

(2) The division shall establish, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescription drug labeling and control standards for a prescription drug that a pharmacy provides to a practitioner under this section.

Enacted by Chapter 385, 2014 General Session
Amended by Chapter 385, 2014 General Session, (Coordination Clause)

58-17b-625 Administration of a long-acting injectable and naloxone.

(1) A pharmacist may, in accordance with this section, administer a drug described in Subsection (2).

(2) Notwithstanding the provisions of Subsection 58-17b-102(58)(c)(ii)(B), the division shall make rules in collaboration with the board and, when appropriate, the Medical Licensing Board created in Section 58-67-201, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish training for a pharmacist to administer naloxone and long-acting injectables intramuscularly.

(3) A pharmacist may not administer naloxone or a long-acting injectable intramuscularly unless the pharmacist:

(a) completes the training described in Subsection (2);

(b) administers the drug at a clinic or community pharmacy, as those terms are defined by the division, by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) is directed by the physician, as that term is defined in Section 58-67-102 or Section 58-68-102, who issues the prescription to administer the drug.

Amended by Chapter 507, 2024 General Session

58-17b-627 Prescription of drugs or devices by a pharmacist.

(1) Beginning January 1, 2022, a pharmacist may prescribe a prescription drug or device if:
  (a) prescribing the prescription drug or device is within the scope of the pharmacist's training and experience;
  (b) the prescription drug or device is designated by the division by rule under Subsection (3)(a); and
  (c) the prescription drug or device is not a controlled substance that is included in Schedules I, II, III, or IV of:
    (i) Section 58-37-108; or
    (ii) the federal Controlled Substances Act, Title II, P.L. 91-513.

(2) Nothing in this section requires a pharmacist to issue a prescription for a prescription drug or device.

(3) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  (a) designate the prescription drugs or devices that may be prescribed by a pharmacist under this section, beginning with prescription drugs or devices that address a public health concern that is designated by the Department of Health and Human Services, including:
    (i) post-exposure HIV prophylaxis;
    (ii) pre-exposure HIV prophylaxis;
    (iii) self-administered hormonal contraceptives;
    (iv) smoking cessation;
    (v) naloxone;
    (vi) fluoride;
    (vii) vaccines; and
    (viii) epinephrine.
  (b) create guidelines that a pharmacist must follow when prescribing a prescription drug or device, including guidelines:
    (i) for notifying the patient's primary care or other health care provider about the prescription; and
    (ii) to prevent the over-prescription of drugs or devices including but not limited to antibiotics;
  (c) address when a pharmacist should refer the patient to an appropriate health care provider or otherwise encourage the patient to seek further medical care; and
  (d) implement the provisions of this section.

(4) The division shall make rules under Subsection (3) in collaboration with:
  (a) individuals representing pharmacies and pharmacists;
  (b) individuals representing physicians and advanced practice clinicians; and
  (c)
    (i) if the executive director of the Department of Health and Human Services is a physician, the executive director of the Department of Health and Human Services;
    (ii) if the executive director of the Department of Health and Human Services is not a physician, a deputy director who is a physician in accordance with Subsection 26B-1-203(4); or
    (iii) a designee of the individual described in Section 26B-1-203.

(5) Before November 1 of each year, the division, in consultation with the individuals described in Subsection (4), shall:
  (a) develop recommendations for statutory changes to improve patient access to prescribed drugs in the state; and
  (b) report the recommendations developed under Subsection (5)(a) to the Health and Human Services Interim Committee.

Amended by Chapter 362, 2026 General Session

Part 7
Incapacity

58-17b-701 Mentally incompetent or incapacitated pharmacist -- Division action and procedures.

(1) As used in this section:

(a) "Incapacitated person" is a person who is incapacitated, as defined in Section 75-1-201.

(b) "Mental illness" is as defined in Section 26B-5-301.

(2) If a court of competent jurisdiction determines a pharmacist is an incapacitated person, or that the pharmacist has a mental illness and is unable to safely engage in the practice of pharmacy, the director shall immediately suspend the license of the pharmacist upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the pharmacist, in writing, of the suspension.

(3)

(a) If the division and a majority of the board find reasonable cause to believe a pharmacist, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing pharmacy with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the pharmacist with a notice of hearing on the sole issue of the capacity of the pharmacist to competently and safely engage in the practice of pharmacy.

(b) The hearing shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).

(4)

(a) Every pharmacist who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting at the pharmacist's own expense to an immediate mental or physical examination when directed in writing by the division, with the consent of a majority of the board, to do so; and

(ii) the admissibility of the reports of the examining practitioner's testimony or examination in any proceeding regarding the license of the pharmacist, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the pharmacist has a mental illness, is incapacitated or otherwise unable to practice pharmacy with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the pharmacist's patients or the general public.

(c)

(i) Failure of a pharmacist to submit to the examination ordered under this section is a ground for the division's immediate suspension of the pharmacist's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the pharmacist and was not related directly to the illness or incapacity of the pharmacist.

(5)

(a) A pharmacist whose license is suspended under Subsection (2) or (4) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the pharmacist's patients or the general public.

(6) A pharmacist whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the pharmacist, under procedures established by division rule, regarding any change in the pharmacist's condition, to determine whether:

(a) the pharmacist is or is not able to safely and competently engage in the practice of pharmacy; and

(b) the pharmacist is qualified to have the pharmacist's licensure to practice under this chapter restored completely or in part.

Amended by Chapter 329, 2023 General Session

Part 8
Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy

58-17b-801 Title.

This part is known as "Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy."

Enacted by Chapter 72, 2014 General Session

58-17b-802 Definitions.

As used in this part:

(1)

(a) "Cosmetic drug" means a prescription drug that:

(i) is for the purpose of promoting attractiveness or altering the appearance of an individual; and

(ii)

(A) is listed as a cosmetic drug subject to the exemption under this section by the division by administrative rule; or

(B) has been expressly approved for online dispensing, whether or not it is dispensed online or through a physician's office.

(b) "Cosmetic drug" does not include a prescription drug that is:

(i) a controlled substance;
(ii) compounded by the physician; or
(iii) prescribed for or used by the patient for the purpose of diagnosing, curing, or preventing a disease.
(2) "Employer sponsored clinic" means:
(a) an entity that has a medical director who is licensed as a physician as defined in Section 58-67-102 and offers health care only to the employees of an exclusive group of employers and the employees' dependents; or
(b) a clinic designated as a clinic for state employees and their dependents by the Public Employees' Benefit and Insurance Program under the pilot program created by Section 49-20-413 including all the patients at that clinic, regardless of the patients' participation in the pilot program.
(3) "Health care" is as defined in Section 31A-1-301.
(4)
(a) "Injectable weight loss drug" means an injectable prescription drug:
(i) prescribed to promote weight loss; and
(ii) listed as an injectable prescription drug subject to exemption under this section by the division by administrative rule.
(b) "Injectable weight loss drug" does not include a prescription drug that is a controlled substance.
(5) "Prepackaged drug" means a prescription drug that:
(a) is not listed under federal or state law as a Schedule I, II, III, IV, or V drug; and
(b) is packaged in a fixed quantity per package by:
(i) the drug manufacturer;
(ii) a pharmaceutical wholesaler or distributor; or
(iii) a pharmacy licensed under this title.

Amended by Chapter 159, 2016 General Session

58-17b-803 Qualifications for licensure as a dispensing medical practitioner -- Scope of practice.

(1) An applicant for a license as a dispensing medical practitioner shall:
(a) be licensed in good standing under at least one of the chapters listed in Subsection 58-17b-102(23)(a); and
(b) submit an application for a license as a dispensing medical practitioner in a form prescribed by the division and pay a fee established by the division.
(2) The division shall accept the licensing in good standing under Subsection (1) in lieu of requiring an applicant for a license under this part to comply with Sections 58-17b-303 and 58-17b-307.
(3) A dispensing medical practitioner may dispense, in accordance with this part:
(a) a cosmetic drug and an injectable weight loss drug if:
(i) the drug was prescribed by the dispensing medical practitioner to the dispensing medical practitioner's patient; and
(ii) the dispensing medical practitioner complies with administrative rules adopted by the division under Section 58-17b-802;
(b) a cancer drug treatment regimen if the dispensing medical practitioner complies with Section 58-17b-805; and
(c) a pre-packaged drug to an employee or a dependent of an employee at an employer sponsored clinic if the dispensing medical practitioner:

(i) treats an employee, or the dependent of an employee, of one of an exclusive group of employers at an employer sponsored clinic;
(ii) prescribes a prepackaged drug to the employee or the employee's dependent;
(iii) dispenses the prepackaged drug at the employer sponsored clinic; and
(iv) complies with administrative rules adopted by the division in consultation with the Board of Pharmacy that establish labeling, record keeping, patient counseling, purchasing and distribution, operating, treatment, quality of care, and storage requirements.

(4) A dispensing medical practitioner:
(a) shall inform the patient:
(i) that the drug dispensed by the practitioner may be obtained from a pharmacy unaffiliated with the practitioner;
(ii) of the directions for appropriate use of the dispensed drug;
(iii) of potential side effects to the use of the dispensed drug; and
(iv) how to contact the dispensing medical practitioner if the patient has questions or concerns regarding the drug;
(b) shall report to the controlled substance database in the same manner as required in Section 58-37f-203; and
(c) may delegate the dispensing of the drug if the individual to whom the dispensing was delegated is:
(i) employed by the dispensing medical practitioner or the outpatient clinic setting in which the dispensing medical practitioner works; and
(ii) acting under the direction of a dispensing medical practitioner who is immediately available on site for any necessary consultation.

(5) If the chapter that governs the license of a dispensing medical practitioner, as listed in Subsection 58-17b-102(23), requires physician supervision in its scope of practice requirements, the dispensing medical practitioner shall only dispense a drug under the supervision of an individual licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act.

Amended by Chapter 206, 2015 General Session

58-17b-804 Qualifications for licensure as a dispensing medical practitioner clinic pharmacy.

(1) An applicant for a license as a dispensing medical practitioner clinic pharmacy shall comply with Section 58-17b-306.

(2)
(a) Notwithstanding Section 58-17b-302, a pharmacy licensed under this part is not required to have a pharmacist-in-charge if:
(i) the pharmacy has designated a dispensing medical practitioner as responsible for all activities of the pharmacy; and
(ii) the pharmacy complies with administrative rules adopted by the division in consultation with the Board of Pharmacy and the governing bodies of the practitioners described in Subsection 58-17b-102(23)(a).
(b) Notwithstanding Subsection 58-17b-306(1)(e), the division, in consultation with the Board of Pharmacy and the governing boards of the practitioners described in Subsection 58-17b-102(23)(a), may modify the operating standards for a dispensing medical practitioner clinic pharmacy.

Enacted by Chapter 72, 2014 General Session

58-17b-805 Dispensing medical practitioner -- Cancer drug treatment regimen.

(1) For purposes of this section:
  (a) "Cancer drug treatment regimen" means a prescription drug used to treat cancer, manage its symptoms, or provide continuity of care for a cancer patient.
  (b) "Cancer drug treatment regimen" includes:
    (i) a chemotherapy drug administered intravenously, orally, rectally, or by dermal methods; and
    (ii) a drug used to support cancer treatment, including a drug used to treat, alleviate, or minimize physical and psychological symptoms or pain, to improve patient tolerance of cancer treatments, or to prepare a patient for a subsequent course of therapy.
  (c) "Cancer drug treatment regimen" does not mean a drug listed under federal law as a Schedule I, II, or III drug.
(2) An individual may be licensed as a dispensing medical practitioner with a scope of practice that permits the dispensing medical practitioner to prescribe and dispense a cancer drug treatment regimen if the individual:
  (a) is licensed as described in Subsections 58-17b-102(23)(a)(i) and (ii); and
  (b) is certified or eligible to be certified by:
    (i) the American Board of Internal Medicine in medical oncology; or
    (ii) the American Board of Urology.
(3) A dispensing medical practitioner authorized to prescribe and dispense a cancer drug treatment regimen under this section may prescribe and dispense a cancer drug treatment regimen:
  (a) to the practitioner's patient who is currently undergoing chemotherapy in an outpatient clinic setting; and
  (b) if the practitioner determines that providing the cancer drug treatment regimen to the patient in the outpatient clinic setting is in the best interest of the patient or provides better access to care for the patient.

Amended by Chapter 343, 2019 General Session

58-17b-806 Enforcement of dispensing medical practitioner and dispensing medical practitioner clinic pharmacy compliance with Pharmacy Practice Act.

(1)
  (a) The division shall consult with the dispensing medical practitioner's appropriate licensing board as designated in Subsection 58-17b-102(23)(a) regarding a violation of this chapter; and
  (b) the Pharmacy Board shall, if requested by the licensing board of the dispensing medical practitioner, assist the licensing board for the dispensing medical practitioner with reviewing the violations of the provisions of this chapter.
(2) The division may take appropriate action against a dispensing medical practitioner, in accordance with this chapter, if the licensing board designated in Subsection 58-17b-102(23)(a) recommends to the division that action be taken under this chapter.
(3) The division, in consultation with the board is the primary enforcer under this chapter for a dispensing medical practitioner clinic pharmacy licensed under Section 58-17b-804.

Enacted by Chapter 72, 2014 General Session

Part 9
Charitable Prescription Drug Recycling Act

58-17b-901 Title.

This part is known as the "Charitable Prescription Drug Recycling Act."

Enacted by Chapter 405, 2016 General Session

58-17b-902 Definitions.

As used in this part:

(1) "Assisted living facility" means the same as that term is defined in Section 26B-2-201.

(2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a drug used in chemotherapy to destroy cancer cells.

(3) "Charitable clinic" means a charitable nonprofit corporation that:

(a) holds a valid exemption from federal income taxation issued under Section 501(a), Internal Revenue Code;

(b) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;

(c) provides, on an outpatient basis, for a period of less than 24 consecutive hours, to an individual not residing or confined at a facility owned or operated by the charitable nonprofit corporation:

(i) advice;

(ii) counseling;

(iii) diagnosis;

(iv) treatment;

(v) surgery; or

(vi) care or services relating to the preservation or maintenance of health; and

(d) has a licensed outpatient pharmacy.

(4) "Charitable pharmacy" means an eligible pharmacy that is operated by a charitable clinic.

(5) "County health department" means the same as that term is defined in Section 26A-1-102.

(6) "Donated prescription drug" means a prescription drug that an eligible donor or individual donates to an eligible pharmacy under the program.

(7) "Eligible donor" means a donor that donates a prescription drug from within the state and is:

(a) a nursing care facility;

(b) an assisted living facility;

(c) a licensed intermediate care facility for people with an intellectual disability;

(d) a manufacturer;

(e) a pharmaceutical wholesale distributor;

(f) an eligible pharmacy; or

(g) a physician's office.

(8) "Eligible pharmacy" means a pharmacy that:

(a) is registered by the division as eligible to participate in the program; and

(b)

(i) is licensed in the state as a Class A pharmacy or a Class B pharmacy; or

(ii) is operated by:

(A) a county;

(B) a county health department;

(C) a pharmacy under contract with a county health department;

(D) the Department of Health and Human Services created in Section 26B-1-201; or
(E) a charitable clinic.
(9)
(a) "Eligible prescription drug" means a prescription drug, described in Section 58-17b-904, that is not:
(i) except as provided in Subsection (9)(b), a controlled substance; or
(ii) a drug that can only be dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements.
(b) "Eligible prescription drug" includes a medication-assisted treatment drug that may be accepted, transferred, and dispensed under the program in accordance with federal law.
(10) "Licensed intermediate care facility for people with an intellectual disability" means the same as that term is defined in Section 58-17b-503.
(11) "Medically indigent individual" means an individual who:
(a)
(i) does not have health insurance; and
(ii) lacks reasonable means to purchase prescribed medications; or
(b)
(i) has health insurance; and
(ii) lacks reasonable means to pay the insured's portion of the cost of the prescribed medications.
(12) "Medication-assisted treatment drug" means buprenorphine prescribed to treat substance use withdrawal symptoms or an opiate use disorder.
(13) "Nursing care facility" means the same as that term is defined in Section 26B-2-201.
(14) "Physician's office" means a fixed medical facility that:
(a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse, licensed under this title; and
(b) treats an individual who presents at, or is transported to, the facility.
(15) "Program" means the Charitable Prescription Drug Recycling Program created in Section 58-17b-903.
(16) "Unit pack" means the same as that term is defined in Section 58-17b-503.
(17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-501.
(18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-17b-502.

Amended by Chapter 486, 2025 General Session

58-17b-903 Charitable Prescription Drug Recycling Program -- Creation -- Requirements.
(1) There is created the Charitable Prescription Drug Recycling Program.
(2) The division, in consultation with the board, shall:
(a) implement the program, on a statewide basis, to permit:
(i) an individual or an eligible donor to transfer an eligible prescription drug to an eligible pharmacy for dispensing to a medically indigent individual; and
(ii) an individual to transfer an eligible prescription drug to a physician's office:
(A) that is an eligible donor; and
(B) for transfer to an eligible pharmacy for dispensing to a medically indigent individual;
(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to implement the program; and

(c) provide technical assistance to entities that desire to participate in the program.

Amended by Chapter 397, 2021 General Session

58-17b-904 Criteria for eligible prescription drugs.

An eligible pharmacy may not accept or dispense an unused prescription drug under the program unless the unused prescription drug:

(1)
(a) is in a unit pack or the manufacturer's sealed container; or
(b) is an injectable medication;

(2)
(a) is unopened; or
(b) is a cancer drug packaged in an unopened single-unit dose that has been removed from a multi-dose package;

(3) is accepted and dispensed by the eligible pharmacy before:
(a) a beyond use date that appears on the label;
(b) the expiration date recommended by the manufacturer; or
(c) a date, established by division rule for a specific prescription drug, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is later than the date in Subsection (3)(a) or (3)(b);

(4)
(a) is not adulterated or mislabeled; and
(b) the pharmacist or licensed pharmacist technician accepting or dispensing the prescription drug does not have reason to believe that the prescription drug is adulterated or mislabeled.

Enacted by Chapter 405, 2016 General Session

58-17b-905 Participation in program -- Requirements -- Fees.

(1) An eligible donor, an individual, or an eligible pharmacy may participate in the program.
(2) An eligible pharmacy:
(a) shall comply with all applicable federal and state laws related to the storage, disposal, and distribution of a prescription drug;
(b) shall comply with all applicable federal and state laws related to the acceptance and transfer of a prescription drug, including 21 U.S.C. Chapter 9, Subchapter V, Part H, Pharmaceutical Distribution Supply Chain;
(c) shall, before accepting or dispensing a prescription drug under the program, inspect each prescription drug to determine whether the prescription drug is an eligible prescription drug;
(d) may dispense an eligible prescription drug to a medically indigent individual who:
(i) is located in the state when the drug is dispensed; and
(ii) has a prescription issued by a practitioner;
(e) may charge a handling fee, adopted by the division under Section 63J-1-504; and
(f) may not accept, transfer, or dispense a prescription drug in violation of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

Amended by Chapter 253, 2022 General Session

58-17b-906 Liability of participating organizations and manufacturers.

In the absence of bad faith or gross negligence, a person is not criminally or civilly liable for injury, death, or loss of property based solely on the fact that the person manufactured, provided, donated, accepted, or dispensed an eligible prescription drug under this part.

Enacted by Chapter 405, 2016 General Session

58-17b-907 Rules made by the division.

The rules made by the division under Subsection 58-17b-903(2)(b) shall include:

(1) registration requirements to establish the eligibility of a pharmacy to participate in the program;

(2) a formulary that includes all eligible prescription drugs approved by the federal Food and Drug Administration;

(3) standards and procedures for:

(a) verifying whether a pharmacy or pharmacist participating in the program is licensed and in good standing with the board;

(b) handling of an eligible prescription drug transferred in accordance with Subsection 58-17b-903(2) to an eligible pharmacy or a physician's office, including:

(i) acceptance;

(ii) identification, including redundant criteria for verification;

(iii) documentation, under 21 U.S.C. Sec. 360eee-1, of transaction information, history, and statements;

(iv) safe storage;

(v) security;

(vi) inspection;

(vii) transfer; and

(viii) dispensing;

(c) a pharmacist, pharmacy intern, or licensed pharmacy technician:

(i) working in or consulting with a participating eligible donor; or

(ii) assisting an individual donating the eligible prescription drug;

(d) disposition of a donated prescription drug that is a controlled substance;

(e) record keeping regarding:

(i) the individual or eligible donor that transferred an eligible prescription drug under Subsection 58-17b-903(2)(a);

(ii) the identification and evaluation of a donated prescription drug by a pharmacist or licensed pharmacy technician; and

(iii) the dispensing or disposition of a prescription drug;

(f) determining the status of a medically indigent individual;

(g) labeling requirements to:

(i) ensure compliance with patient privacy laws relating to:

(A) an individual who receives an eligible prescription drug; and

(B) patient information that may appear on a donated prescription drug;

(ii) clearly identify an eligible prescription drug dispensed under the program; and

(iii) communicate necessary information regarding the manufacturer's recommended expiration date or the beyond use date; and

(h) ensuring compliance with the requirements of this part;

(4) a process for seeking input from the Department of Health and Human Services created in Section 26B-1-201 to:

(a) establish program standards and procedures for assisted living facilities and nursing care facilities; and

(b) establish program standards and procedures for mental health and substance abuse clients; and

(5) the creation of a special training program that a pharmacist and a licensed pharmacy technician at an eligible pharmacy must complete before participating in the program.

Amended by Chapter 255, 2022 General Session

Part 10
Epinephrine Auto-injector and Stock Albuterol Act

58-17b-1001 Title.

This part is known as the "Injectable Epinephrine Rescue Medication and Stock Albuterol Act."

Amended by Chapter 122, 2025 General Session

58-17b-1002 Definitions.

As used in this part:

(1) "Injectable epinephrine rescue medication" means the same as that term is defined in Section 26B-4-401.

(2) "Glucagon kit" means the same as that term is defined in Section 26B-4-401.

(3) "Local health department" means the same as that term is defined in Section 26A-1-102.

(4) "Physician" means the same as that term is defined in Section 58-67-102.

(5) "Qualified adult" means the same as that term is defined in Section 26B-4-401.

(6) "Qualified injectable epinephrine rescue medication entity" means the same as that term is defined in Section 26B-4-401.

(7) "Qualified stock albuterol entity" means the same as that term is defined in Section 26B-4-401.

(8) "Stock albuterol" means the same as that term is defined in Section 26B-4-401.

Amended by Chapter 445, 2025 General Session

58-17b-1003 Voluntary participation.

This part does not create a duty or standard of care for a person to prescribe or dispense an injectable epinephrine rescue medication, glucagon kit, or stock albuterol.

Amended by Chapter 445, 2025 General Session

58-17b-1004 Authorization to dispense an injectable epinephrine rescue medication, glucagon kit, and stock albuterol pursuant to a standing order.

(1) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern may dispense an injectable epinephrine rescue medication:

(a)

(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4, School Health; or

(ii) to a qualified injectable epinephrine rescue medication entity for use in accordance with Title 26B, Chapter 4, Part 4, School Health;

(b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;

(c) without any other prescription drug order from a person licensed to prescribe an injectable epinephrine rescue medication; and
(d) in accordance with the dispensing guidelines in Section 58-17b-1006.
(2) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern may dispense a glucagon kit:
(a)
(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4, School Health; or
(ii) to a qualified glucagon kit entity for use in accordance with Title 26B, Chapter 4, Part 4, School Health;
(b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;
(c) without any other prescription drug order from a person licensed to prescribe a glucagon kit; and
(d) in accordance with the dispensing guidelines in Section 58-17b-1006.
(3) Notwithstanding any other provision of this chapter, a pharmacist or pharmacy intern may dispense stock albuterol:
(a)
(i) to a qualified adult for use in accordance with Title 26B, Chapter 4, Part 4, School Health; or
(ii) to a qualified stock albuterol entity for use in accordance with Title 26B, Chapter 4, Part 4, School Health;
(b) pursuant to a standing prescription drug order made in accordance with Section 58-17b-1005;
(c) without any other prescription drug order from a person licensed to prescribe stock albuterol; and
(d) in accordance with the dispensing guidelines in Section 58-17b-1006.

Amended by Chapter 445, 2025 General Session

58-17b-1005 Standing prescription drug orders for injectable epinephrine rescue medication, glucagon kits, and stock albuterol.
(1) As used in this section:
(a) "Epinephrine protocol" means a protocol that:
(i) requires a physician to specify the persons, by professional license number, authorized to dispense the injectable epinephrine rescue medication;
(ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the injectable epinephrine rescue medication;
(iii) requires those authorized by a physician to dispense the injectable epinephrine rescue medication to make and retain a record of each dispensing, including:
(A) the name of the qualified adult or qualified injectable epinephrine rescue medication entity to whom the injectable epinephrine rescue medication is dispensed;
(B) a description of the injectable epinephrine rescue medication dispensed; and
(C) other relevant information; and
(iv) is approved by the division through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Medical Licensing Board created in Section 58-67-201 and the board.
(b) "Glucagon kit protocol" means a protocol that:
(i) requires a physician to specify the persons, by professional license number, authorized to dispense the glucagon kit;
(ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the glucagon kit;

(iii) requires those authorized by the physician to dispense the glucagon kit to make and retain a record of each dispensing, including:
(A) the name of the qualified adult or qualified glucagon kit entity to whom the glucagon kit is dispensed;
(B) a description of the glucagon kit dispensed; and
(C) other relevant information; and
(iv) is approved by the division through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Medical Licensing Board created in Section 58-67-201 and the board.
(c) "Stock albuterol protocol" means a protocol that:
(i) requires a physician to specify the persons, by professional license number, authorized to dispense the stock albuterol;
(ii) requires a physician to review at least annually the dispensing practices of the persons authorized by the physician to dispense the stock albuterol;
(iii) requires those authorized by the physician to dispense the stock albuterol to make and retain a record of each dispensing, including:
(A) the name of the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed;
(B) a description of the stock albuterol dispensed; and
(C) other relevant information; and
(iv) is approved by the division through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in collaboration with the Medical Licensing Board created in Section 58-67-201 and the board.
(2) Under Section 58-17b-1004, the Department of Health and Human Services shall have a physician acting in the physician's capacity as an employee of the Department of Health and Human Services issue a standing prescription drug order authorizing the dispensing of:
(a) an injectable epinephrine rescue medication in accordance with an epinephrine protocol;
(b) a glucagon kit in accordance with a glucagon kit protocol; and
(c) stock albuterol in accordance with a stock albuterol protocol.
(3) Under Section 58-17b-1004, a medical director of a local health department may issue a standing prescription drug order authorizing the dispensing of:
(a) an injectable epinephrine rescue medication in accordance with an epinephrine protocol;
(b) a glucagon kit in accordance with a glucagon kit protocol; or
(c) stock albuterol in accordance with a stock albuterol protocol.

Amended by Chapter 445, 2025 General Session

58-17b-1006 Guidelines for dispensing an injectable epinephrine rescue medication, glucagon kit, and stock albuterol.

(1) A pharmacist or pharmacy intern who dispenses an injectable epinephrine rescue medication under this part shall, at a minimum, provide patient counseling to the qualified adult or qualified epinephrine rescue medication entity to whom the epinephrine rescue medication is dispensed regarding:
(a) the appropriate administration and storage of the injectable epinephrine rescue medication;
(b) potential side effects and risks of the injectable epinephrine rescue medication; and
(c) when to seek emergency medical attention.

(2) A pharmacist or pharmacy intern who dispenses a glucagon kit under this part shall, at minimum, provide patient counseling to the qualified adult or qualified glucagon kit entity to whom the glucagon kit is dispensed regarding:
(a) the appropriate administration and storage of the glucagon kit;
(b) potential side effects and risks of the glucagon kit; and
(c) when to seek emergency medical attention.
(3) A pharmacist or pharmacy intern who dispenses stock albuterol under this part shall, at a minimum, provide patient counseling to the qualified adult or qualified stock albuterol entity to whom the stock albuterol is dispensed regarding:
(a) the appropriate administration and storage of the stock albuterol;
(b) potential side effects and risks of the stock albuterol; and
(c) when to seek emergency medical attention.

Amended by Chapter 445, 2025 General Session

58-17b-1007 Limited civil liability.

A physician who issues a standing prescription drug order in accordance with Subsection 58-17b-1005(2) is not liable, under this part, for any civil damages for acts or omissions resulting from the dispensing of:
(1) an injectable epinephrine rescue medication;
(2) a glucagon kit; or
(3) stock albuterol.

Amended by Chapter 445, 2025 General Session

Chapter 20b
Environmental Health Scientist Act

Part 1
General Provisions

58-20b-101 Title.

This chapter is known as the "Environmental Health Scientist Act."

Enacted by Chapter 1, 2018 Special Session 3

58-20b-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Accredited program" means a degree-offering program from:
(a) an institution, college, or university that is accredited by the Department of Education or the Council for Higher Education Accreditation; or
(b) a non-accredited institution, college, or university that offers education equivalent to Department of Education-accredited programs, as determined by a third party selected by the board.
(2) "Board" means the Environmental Health Scientist Board created in Section 58-20b-201.

(3) "General supervision" means the supervising environmental health scientist is available for immediate voice communication with the person he or she is supervising.
(4) "Practice of environmental health science" means:
(a) the enforcement of, the issuance of permits required by, or the inspection for the purpose of enforcing state and local public health laws in the following areas:
(i) air quality;
(ii) food safety;
(iii) solid, hazardous, and toxic substances disposal;
(iv) consumer product safety;
(v) housing;
(vi) noise control;
(vii) radiation protection;
(viii) water quality;
(ix) vector control;
(x) drinking water quality;
(xi) milk sanitation;
(xii) rabies control;
(xiii) public health nuisances;
(xiv) indoor clean air regulations;
(xv) institutional and residential sanitation; or
(xvi) recreational facilities sanitation; or
(b) representing oneself in any manner as, or using the titles "environmental health scientist," "environmental health scientist-in-training," or "registered sanitarian."
(5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.
(6) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-20b-501 and as may be further defined by division rule.

Amended by Chapter 415, 2022 General Session

Part 2
Board

58-20b-201 Board.
(1) There is created the Environmental Health Scientist Board consisting of four environmental health scientists in good standing and one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of the complaint is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Enacted by Chapter 1, 2018 Special Session 3

Part 3
Licensing

58-20b-301 Licensure required -- License classifications.

(1) A person shall hold a license under this chapter in order to engage in the practice of environmental health science while employed by any of the following, except as specifically exempted in Section 58-20b-305 or 58-1-307:
  (a) a local health department;
  (b) the state Department of Health;
  (c) the state Department of Human Services;
  (d) the Department of Agriculture and Food as a food and dairy compliance officer; or
  (e) a local health department as its director of environmental health services.
(2) Any other individual not subject to Subsection (1) may also be licensed under this chapter upon compliance with all requirements.
(3) The division shall issue to persons who qualify under this chapter a license in the classification:
  (a) environmental health scientist; or
  (b) environmental health scientist-in-training.

Enacted by Chapter 1, 2018 Special Session 3

58-20b-302 Qualifications for licensure.

(1) Except as provided in Subsection (2), an applicant for licensure as an environmental health scientist shall:
  (a) submit an application in a form approved by the division;
  (b) pay a fee determined by the department under Section 63J-1-504;
  (c) hold, at a minimum, a bachelor's degree;
  (d) pass an examination as determined by division rule in collaboration with the board; and
  (e) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division.
(2) An applicant for licensure as an environmental health scientist-in-training shall:
  (a) submit an application in a form approved by the division;
  (b) pay a fee determined by the department under Section 63J-1-504;
  (c) hold, at a minimum, a bachelor's degree;
  (d) pass the Utah Law and Rules Examination for Environmental Health Scientists administered by the division; and
  (e) present evidence acceptable to the division and the board that the applicant, when licensed under this Subsection (2), will practice as an environmental health scientist-in-training only under the general supervision of a supervising environmental health scientist licensed under this chapter.

Amended by Chapter 213, 2025 General Session

58-20b-303 Term of license -- Expiration -- Renewal.

(1)

(a) The division shall issue each license for an environmental health scientist in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) Each license for an environmental health scientist-in-training shall be issued for a term of two years and may not be renewed.
(3) Each license issued under this chapter automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Enacted by Chapter 1, 2018 Special Session 3

58-20b-304 Continuing education.

Each person holding a license under this chapter as an environmental health scientist or an environmental health scientist-in-training shall complete in each two-year period of licensure not fewer than 30 hours of professional continuing education in accordance with standards defined by division rule.

Enacted by Chapter 1, 2018 Special Session 3

58-20b-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person is exempt from the licensure requirements of this chapter if:
(1) the person's practice of environmental health science is limited to inspecting in order to enforce compliance with an inspection and maintenance program established pursuant to Section 41-6a-1642 or to issuing permits under that program;
(2) the person is a laboratory staff person employed by the Department of Agriculture and Food or the Department of Health, and in the person's employment inspects, permits, certifies, or otherwise enforces laboratory standards in laboratories regulated by state or local public health laws; or
(3) the person is the local health officer of a local public health department, which employs a director of environmental health services licensed under this chapter.

Enacted by Chapter 1, 2018 Special Session 3

Part 4
License Denial and Discipline

58-20b-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 1, 2018 Special Session 3

Part 5
Unprofessional Conduct

58-20b-501 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) acting dishonestly or fraudulently in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training;

(2) intentionally filing a false report or record in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training; and

(3) willfully impeding or obstructing another person from filing a report in the performance of professional duties as an environmental health scientist or environmental health scientist-in-training.

Enacted by Chapter 1, 2018 Special Session 3

Chapter 22
Professional Engineers and Professional Land Surveyors Licensing Act

Part 1
General Provisions

58-22-101 Title.

This chapter is known as the "Professional Engineers and Professional Land Surveyors Licensing Act."

Amended by Chapter 259, 1996 General Session

58-22-102 Definitions.

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

(1) "Board" means the Professional Engineers and Professional Land Surveyors Licensing Board created in Section 58-22-201.

(2) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(3) "Complete construction plans" means a final set of plans, specifications, and reports for a building or structure that normally includes:

(a) floor plans;

(b) elevations;

(c) site plans;

(d) foundation, structural, and framing detail;

(e) electrical, mechanical, and plumbing design;

(f) information required by the energy code;

(g) specifications and related calculations as appropriate; and

(h) all other documents required to obtain a building permit.

(4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology.
(5) "Fund" means the Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.
(6) "NCEES" means the National Council of Examiners for Engineering and Surveying.
(7) "Principal" means a licensed professional engineer, professional structural engineer, or professional land surveyor having responsible charge of an organization's professional engineering, professional structural engineering, or professional land surveying practice.
(8) "Professional engineer" means a person licensed under this chapter as a professional engineer.
(9)
(a) "Professional engineering," "the practice of engineering," or "the practice of professional engineering" means a service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the service or creative work as consultation, investigation, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land and water, facility programming, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces these services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.
(b) "The practice of professional engineering" does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering.
(10) "Professional engineering intern" means a person who:
(a) has completed the education requirements to become a professional engineer;
(b) has passed the fundamentals of engineering examination; and
(c) is engaged in obtaining the four years of qualifying experience for licensure under the supervision of a licensed professional engineer.
(11) "Professional land surveying" or "the practice of land surveying" means a service or work, the adequate performance of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting or locating of property boundaries or points controlling boundaries, and for the platting and layout of lands and subdivisions of lands, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field notes records, and property descriptions that represent these surveys and other duties as sound surveying practices could direct.
(12) "Professional land surveyor" means an individual licensed under this chapter as a professional land surveyor.
(13) "Professional structural engineer" means a person licensed under this chapter as a professional structural engineer.
(14)

(a) "Professional structural engineering" or "the practice of structural engineering" means a service or creative work providing structural engineering services for significant structures, including:

(i) buildings and other structures representing a substantial hazard to human life, which include:

(A) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(B) buildings and other structures with elementary school, secondary school, or day care facilities with an occupant load greater than 250;

(C) buildings and other structures with an occupant load greater than 500 for colleges or adult education facilities;

(D) health care facilities with an occupant load of 50 or more resident patients, but not having surgery or emergency treatment facilities;

(E) jails and detention facilities with a gross area greater than 3,000 square feet; and

(F) buildings and other structures with an occupant load greater than 5,000;

(ii) buildings and other structures designated as essential facilities, including:

(A) hospitals and other health care facilities having surgery or emergency treatment facilities with a gross area greater than 3,000 square feet;

(B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet;

(C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet;

(D) designated emergency preparedness, communication, and operation centers and other buildings required for emergency response with a mean height more than 24 feet or a gross area greater than 5,000 square feet;

(E) power-generating stations and other public utility facilities required as emergency backup facilities with a gross area greater than 3,000 square feet;

(F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule, where the quantity of the material exceeds the maximum allowable quantities set by the division by rule; and

(G) aviation control towers, air traffic control centers, and emergency aircraft hangars at commercial service and cargo air services airports as defined by the Federal Aviation Administration with a mean height greater than 35 feet or a gross area greater than 20,000 square feet; and

(iii) buildings and other structures requiring special consideration, including:

(A) structures or buildings that are normally occupied by human beings and are five stories or more in height;

(B) structures or buildings that are normally occupied by human beings and have an average roof height more than 60 feet above the average ground level measured at the perimeter of the structure; and

(C) buildings that are over 200,000 aggregate gross square feet in area.

(b) "Professional structural engineering" or "the practice of structural engineering":

(i) includes the definition of professional engineering or the practice of professional engineering as provided in Subsection (9); and

(ii) may be further defined by rules made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(15) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in a definite manner, and

as otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
(16) "Supervision" means that a licensed professional engineer, professional structural engineer, or professional land surveyor is responsible for and personally reviews, corrects when necessary, and approves work performed by an employee, subordinate, associate, or drafter under the direction of the licensee, and may be further defined by rule by the division in collaboration with the board.
(17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation Board for Engineering and Technology.
(18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-501.
(19) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-502.5 .

Amended by Chapter 415, 2022 General Session

58-22-103 Education and enforcement fund.
(1) There is created an expendable special revenue fund known as the "Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor Education and Enforcement Fund."
(2) The fund consists of money from:
(a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under this chapter in accordance with the following:
(i) the department shall determine the surcharge in accordance with Section 63J-1-504; and
(ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or reinstatement licensure fee; and
(b) administrative penalties collected in accordance with this chapter.
(3) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
(a) education and training of licensees under this chapter;
(b) education and training of the public or other interested persons in matters concerning engineering, structural engineering, and land surveying laws and practices; and
(c) enforcement of this chapter by:
(i) investigating unprofessional or unlawful conduct; and
(ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
(5) If the balance in the fund exceeds $200,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
(6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 64, 2026 General Session

58-22-104 Surcharge fee.

(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a $1 surcharge fee.
(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Amended by Chapter 339, 2020 General Session

Part 2
Board

58-22-201 Board.
(1) There is created a Professional Engineers and Professional Land Surveyors Licensing Board. The board shall consist of four licensed professional engineers, one licensed professional structural engineer, one licensed professional land surveyor, and one member from the general public. The composition of the four professional engineers on the board shall be representative of the various professional engineering disciplines.
(2) The board shall be appointed and shall serve in accordance with Section 58-1-201. The members of the board who are professional engineers shall be appointed from among nominees recommended by representative engineering societies in this state. The member of the board who is a land surveyor shall be appointed from among nominees recommended by representative professional land surveyor societies.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
  (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
  (b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 278, 2013 General Session

Part 3
Licensure

58-22-301 License required -- License classifications.
(1) A license is required to engage in the practice of professional engineering, professional structural engineering, or professional land surveying, except as specifically provided in Section 58-1-307 or 58-22-305.
(2) The division shall issue licenses to individuals qualified under the provisions of this chapter in the following classifications:

(a) professional engineer;
(b) professional structural engineer; and
(c) professional land surveyor.
(3) The division may issue a license in a specific engineering discipline or disciplines as defined by rule by the division in collaboration with the board.

Amended by Chapter 259, 1996 General Session

58-22-302 Qualifications for licensure.
(1) Each applicant for licensure as a professional engineer shall:
(a) submit an application in a form the division approves;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c)
(i) have graduated and received a bachelor's or master's degree from an engineering program meeting criteria the division makes by rule in collaboration with the board; or
(ii) have completed the Transportation Engineering Technology and Fundamental Engineering College Program before July 1, 1998, under the direction of the Utah Department of Transportation and as certified by the Utah Department of Transportation;
(d) have completed a program of qualifying experience the division makes by rule in collaboration with the board;
(e) have passed examinations the division makes by rule in collaboration with the board; and
(f) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.
(2) Each applicant for licensure as a professional structural engineer shall:
(a) submit an application in a form the division approves;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c) have graduated and received an earned bachelor's or master's degree from an engineering program meeting criteria the division makes by rule in collaboration with the board;
(d) have completed three years of licensed professional engineering experience the division makes by rule in collaboration with the board;
(e) have passed examinations the division makes by rule in collaboration with the board; and
(f) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.
(3) Each applicant for licensure as a professional land surveyor shall:
(a) submit an application in a form the division approves;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c) meet one of the following education and experience requirements:
(i) hold, at a minimum, an associate degree from a land surveying program the division makes by rule in collaboration with the board, and have completed at least six years of qualifying experience in land surveying, as the division determines by rule made in collaboration with the board;
(ii) hold a bachelor's degree from a land surveying program, or an equivalent land surveying program that the division approves by rule in collaboration with the board, and have completed at least four years of qualifying experience in land surveying, as the division determines by rule in collaboration with the board;
(iii) hold a high school diploma, or the equivalent of a recognized high school diploma, and have completed at least 10 years of qualifying experience in land surveying, as the division determines by rule in collaboration with the board; or

(iv) hold a professional land surveying license, or equivalent license in the United States, and practice as a professional land surveyor in the United States for at least one year;
(d) have passed examinations the division approves by rule in collaboration with the board; and
(e) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualification for licensure.
(4) Each applicant for licensure by endorsement shall:
(a) submit an application in a form the division approves;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c) submit satisfactory evidence of:
(i) current licensure in good standing in a jurisdiction the division recognizes by rule in collaboration with the board;
(ii) having passed an examination the division approves by rule in collaboration with the board; and
(iii) full-time employment as a principal for at least five of the last seven years immediately before the date of the application as a:
(A) licensed professional engineer for licensure as a professional engineer;
(B) licensed professional structural engineer for licensure as a structural engineer; or
(C) licensed professional land surveyor for licensure as a professional land surveyor; and
(d) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualifications for license.
(5) The rules made to implement this section shall be in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 156, 2026 General Session

58-22-303 Term of license -- Expiration -- Renewal.
(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as may be required by rules enacted pursuant to Section 58-22-304.
(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Amended by Chapter 259, 1996 General Session

58-22-304 Continuing professional education.
(1) Each individual licensed as a professional land surveyor shall be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.
(2) Each individual licensed as a professional engineer or professional structural engineer may be required to complete a program of qualifying continuing professional education in accordance with standards defined by rule.

Repealed and Re-enacted by Chapter 259, 1996 General Session

58-22-305 Exemption from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the following acts or practices without being licensed under this chapter:
(a) a person offering to render professional engineering, professional structural engineering, or professional land surveying services in this state when not licensed under this chapter if the person:
(i) holds a current and valid professional engineer, professional structural engineer, or professional land surveyor license issued by a licensing authority recognized by rule by the division in collaboration with the board;
(ii) discloses in writing to the potential client the fact that the professional engineer, professional structural engineer, or professional land surveyor:
(A) is not licensed in the state;
(B) may not provide professional engineering, professional structural engineering, or professional land surveying services in the state until licensed in the state; and
(C) that such condition may cause a delay in the ability of the professional engineer, professional structural engineer, or professional land surveyor to provide licensed services in the state;
(iii) notifies the division in writing of the person's intent to offer to render professional engineering, professional structural engineering, or professional land surveying services in the state; and
(iv) does not provide professional engineering, professional structural engineering, or professional land surveying services, or engage in the practice of professional engineering, professional structural engineering, or professional land surveying in this state until licensed to do so;
(b) a person preparing a plan and specification for a one or two-family residence not exceeding two stories in height;
(c) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act, performing architecture acts or incidental engineering or structural engineering practices that do not exceed the scope of the education and training of the person performing engineering or structural engineering;
(d) unlicensed employees, subordinates, associates, or drafters of a person licensed under this chapter while preparing plans, maps, sketches, drawings, documents, specifications, plats, and reports under the supervision of a professional engineer, professional structural engineer, or professional land surveyor;
(e) a person preparing a plan or specification for, or supervising the alteration of or repair to, an existing building affecting an area not exceeding 3,000 square feet when structural elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses;
(f) an employee of a communications, utility, railroad, mining, petroleum, or manufacturing company, or an affiliate of such a company, if the professional engineering or professional structural engineering work is performed solely in connection with the products or systems of the company and is not offered directly to the public;
(g) an organization engaged in the practice of professional engineering, structural engineering, or professional land surveying, provided that:
(i) the organization employs a principal; and
(ii) all individuals employed by the organization, who are engaged in the practice of professional engineering, structural engineering, or land surveying, are licensed or exempt from licensure under this chapter;

(h) a person licensed as a professional engineer, a professional structural engineer, or a professional land surveyor in a state other than Utah serving as an expert witness, provided the expert testimony meets one of the following:
(i) oral testimony as an expert witness in an administrative, civil, or criminal proceeding; or
(ii) written documentation included as part of the testimony in a proceeding, including designs, studies, plans, specifications, or similar documentation, provided that the purpose of the written documentation is not to establish specifications, plans, designs, processes, or standards to be used in the future in an industrial process, system, construction, design, or repair;
(i) a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Water-Based System Layout, who submits a fire sprinkler system to the authority having jurisdiction, the fire code official, or the building official for approval;
(j) a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Fire Alarm Systems, who submits a fire alarm system layout to the authority having jurisdiction, the fire code official, or the building official for approval;
(k) a fire code or building official reviewing construction documents for code compliance; and
(l) a fire code or building official conducting an inspection for code compliance.
(2) Nothing in this section shall be construed to restrict a person from preparing plans for a client under the exemptions provided in Subsections (1)(b), (1)(i), or (1)(j), or taking those plans to a professional engineer for the engineer's review, approval, and subsequent fixing of the engineer's seal to that set of plans.

Amended by Chapter 28, 2022 General Session

58-22-306 Admission criteria to take the Fundamentals of Engineering Examination.

The admission criteria to take the NCEES Fundamentals of Engineering Examination shall be enrollment in or graduation from one of the following accredited curriculums, or other curriculums as may be established by rule by the division in collaboration with the board:
(1) EAC/ABET curriculum; or
(2) TAC/ABET curriculum.

Repealed and Re-enacted by Chapter 259, 1996 General Session

Part 4
License Denial and Discipline

58-22-401 Grounds for denial of license and disciplinary proceedings.

The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue cease and desist orders in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 274, 1994 General Session

Part 5

Unlawful Conduct - Penalties

58-22-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) using the title "professional engineer," "professional land surveyor," "land surveyor," "professional structural engineer," "structural engineer," or any other words, letters, abbreviations, or designations which represent recognized professional engineering disciplines indicating that the person using them is a professional engineer, professional land surveyor, or professional structural engineer if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);

(2) using the terms "engineering," "structural engineering," or "surveying" or any similar words, letters, or abbreviations to describe the type of activity performed or offered to be performed if the person has not been licensed under this chapter, except as provided in Subsection 58-22-305(1);

(3) engaging in or representing itself as engaging in the practice of professional engineering, professional structural engineering, or professional land surveying as a corporation, proprietorship, partnership, or limited liability company, except as provided in Subsection 58-22-305(1);

(4) engaging in the practice of engineering, structural engineering, or surveying as set forth in Subsections 58-22-102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58-1-307 or Subsections 58-3a-304(1)(b) through (f); or

(5) a professional engineer engaging in the practice of structural engineering as defined in Subsection 58-22-102(14)(a).

Amended by Chapter 277, 2008 General Session

58-22-502.5 Unprofessional conduct.

Unprofessional conduct includes unprofessional conduct that is defined by rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 218, 2017 General Session

58-22-503 Penalties and administrative actions for unlawful or unprofessional conduct.

(1)

(a) If upon inspection or investigation, the division concludes that a person has violated Section 58-1-501, 58-22-501, or 58-22-502.5, or any rule or order issued with respect to Section 58-22-501 or 58-22-502.5, and that disciplinary action is appropriate, the director or the director's designee from within the division for each alternative respectively, shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who violates Section 58-1-501, 58-22-501, or 58-22-502.5, or any rule or order issued with respect to Section 58-22-501 or 58-22-502.5, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Section 58-1-501, 58-22-501, or 58-22-502.5, or any rule or order issued with respect to this section.

(ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-22-401 may not be assessed through a citation.

(b) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

(c) The division may issue a notice in lieu of a citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.

(e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(i) The director or the director's designee shall assess fines according to the following:

(i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to $1,000;

(ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to $2,000; and

(iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to $2,000 for each day of continued offense.

(2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.

(3)

(a) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Part 6
Practice Standards

58-22-601 Seal -- Design and implementation.

Every professional engineer, professional land surveyor, or professional structural engineer shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

Enacted by Chapter 259, 1996 General Session

58-22-602 Plans, specifications, reports, maps, sketches, surveys, drawings, documents, and plats to be sealed.

(1) Any final plan, specification, and report of a building or structure erected in this state shall bear the seal of a professional engineer or professional structural engineer licensed under this chapter, except as provided in Section 58-22-305, in Title 58, Chapter 3a, Architects Licensing Act, and by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) Any final plan, specification, and report prepared by, or under the supervision of, the professional engineer or professional structural engineer shall bear the seal of the professional engineer or professional structural engineer when submitted to a client, when filed with public authorities, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-22-305.

(3) Any final plan, map, sketch, survey, drawing, document, plat, and report shall bear the seal of the professional land surveyor licensed under this chapter when submitted to a client or when filed with public authorities.

Amended by Chapter 14, 2011 General Session

58-22-603 Seal -- Authorized use.

(1) A professional engineer or professional structural engineer may only affix the licensee's seal to a plan, specification, and report when the plan, specification, and report:

(a) was personally prepared by the licensee;

(b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing the seal assumes responsibility;

(c) was prepared by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:

(i) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and

(ii) makes any necessary corrections before submitting the final plan, specification, or report:

(A) to a building official for the purpose of obtaining a building permit; or

(B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final;

(d) was prepared in part by a licensed professional engineer, professional structural engineer, or architect in this state or any other state provided:

(i) the licensee in this state clearly identifies that portion of the plan, specification, or report for which the licensee is responsible;
(ii) the licensee in this state affixing the seal performs a thorough review of that portion of the plan, specification, or report for which the licensee is responsible for compliance with the standards of the profession; and
(iii) makes any necessary corrections before submitting the final plan, specification, or report for which the licensee is responsible:
(A) to a building official for the purpose of obtaining a building permit; or
(B) to a client who has contracted with a professional engineer or professional structural engineer for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plans, specifications, or reports to be complete and final;
(e) was prepared by a person exempt from licensure as a professional engineer, professional structural engineer, or architect provided that:
(i) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
(ii) makes any necessary corrections before submitting the final plan, specification, or report:
(A) to a building official for the purpose of obtaining a building permit; or
(B) to a client who has contracted with a professional engineer, professional structural engineer, or architect for the design of a building or structure, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, or report to be complete and final; or
(f) meet any additional requirements established by rule by the division in collaboration with the board.
(2) A professional land surveyor may only affix the licensee's seal to a plan, map, sketch, survey, drawing, document, plat, and report when the plan, map, sketch, survey, drawing, document, plat, and report:
(a) was personally prepared by the licensee; or
(b) was prepared by an employee, subordinate, associate, or drafter under the supervision of a professional land surveyor, provided the professional land surveyor or a principal affixing the seal assumes responsibility.

Amended by Chapter 302, 2025 General Session

Chapter 24b
Physical Therapy Practice Act

Part 1
General Provisions

58-24b-101 Title.
This chapter is known as the "Physical Therapy Practice Act."

Enacted by Chapter 220, 2009 General Session

58-24b-102 Definitions.

As used in this chapter:

(1) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.

(2) "Consultation by telecommunication" means a health care provider, as that term is defined in Section 58-1-501.8, receiving professional advice through electronic communication from a physical therapist who is licensed outside of the state.

(3) "Dry needling" means a skilled intervention using a filiform needle to penetrate the skin and underlying tissue for the evaluation, management, or prevention of a disability, a movement impairment, a neuromusculoskeletal condition, or pain.

(4) "General supervision" means supervision and oversight of an individual by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the individual.

(5) "Licensed physical therapist" means an individual licensed under this chapter to engage in the practice of physical therapy.

(6) "Licensed physical therapist assistant" means an individual licensed under this chapter to engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).

(7) "Licensing examination" means a nationally recognized physical therapy examination that the division approves by rule the division makes in consultation with the board and with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(8) "On-site supervision" means supervision and oversight of an individual by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist or licensed physical therapist assistant is:

(a) continuously present at the facility where the individual is providing services;

(b) immediately available to assist the individual; and

(c) regularly involved in the services being provided by the individual.

(9) "Physical impairment" means:

(a) a bodily malfunction;

(b) a developmental impairment;

(c) a disability;

(d) a functional limitation;

(e) a mechanical impairment;

(f) a mobility impairment; or

(g) a physiological impairment.

(10)

(a) "Physical therapy" means examining, evaluating, and testing an individual who has a physical impairment or injury.

(b) "Physical therapy" includes:

(i) ordering imaging in accordance with Section 58-54-303;

(ii) identifying or labeling a physical impairment or injury;

(iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain;

(iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury;

(v) treating or alleviating a physical impairment by designing, modifying, or implementing a therapeutic intervention;

(vi) reducing the risk of an injury or physical impairment;

(vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes;
(viii) promoting and maintaining health and fitness;
(ix) administering a prescription drug in accordance with Section 58-24b-403;
(x) applying dry needling to enhance a client's physical performance if the physical therapy practitioner has the necessary training the division requires by rule the division makes in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(xi) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections (10)(b)(i) through (ix) in relation to an animal, in accordance with the requirements of Section 58-24b-405; or
(xii) administering, consulting, educating, and researching the practices described in Subsection (10).

(c) "Physical therapy" does not include:
(i) diagnosing a disease;
(ii) dispensing or prescribing a drug as defined in Section 58-37-101;
(iii) performing acupuncture;
(iv) performing surgery; or
(v) taking x-rays.

(11) "Physical therapy aide" means an individual who:
(a) receives on-the-job training from a licensed physical therapist; and
(b) provides routine assistance to a licensed physical therapist or licensed physical therapist assistant, while the licensed physical therapist or licensed physical therapist assistant practices physical therapy.

(12) "Recognized accreditation agency" means an accreditation agency that the division approves in consultation with the board.

(13)
(a) "Testing" means a standard method or technique used to gather data regarding a patient that is generally and nationally accepted by physical therapists for the practice of physical therapy.
(b) "Testing" includes measurement or evaluation of:
(i) muscle strength, force, endurance, or tone;
(ii) cardiovascular fitness;
(iii) physical work capacity;
(iv) joint motion, mobility, or stability;
(v) reflexes or autonomic reactions;
(vi) movement skill or accuracy;
(vii) sensation;
(viii) perception;
(ix) peripheral nerve integrity;
(x) locomotor skills, stability, and endurance;
(xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
(xii) posture;
(xiii) body mechanics;
(xiv) limb length, circumference, and volume;
(xv) thoracic excursion and breathing patterns;
(xvi) activities of daily living related to physical movement and mobility;
(xvii) physical movement and mobility functions in the physical environment at home or work; and

(xviii) neural muscular responses.
(14) "Therapeutic intervention" includes:
(a) therapeutic exercise, with or without the use of a device;
(b) physical movement and mobility training for functional self-care;
(c) physical movement and mobility for community or work integration;
(d) manual therapy, including:
(i) soft tissue mobilization;
(ii) therapeutic massage; or
(iii) joint mobilization, as the division defines by rule the division makes in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(e) prescription, application, fabrication, or training for an assistive technology, an adaptive device, an orthotic device, or a prosthetic device;
(f) prescription of durable medical equipment to a patient with or without requesting a prescription from a licensed physician;
(g) airway clearance techniques, including postural drainage;
(h) integumentary protection and repair techniques;
(i) wound debridement, cleansing, and dressing;
(j) the application of a physical agent, including:
(i) light;
(ii) heat;
(iii) cold;
(iv) water;
(v) air;
(vi) sound;
(vii) compression;
(viii) electricity; and
(ix) electromagnetic radiation;
(k) mechanical or electrotherapeutic modalities;
(l) positioning;
(m) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
(n) manual or mechanical traction;
(o) correction of posture, body mechanics, or gait; and
(p) trigger point dry needling, under the conditions described in Section 58-24b-505.

Amended by Chapter 362, 2026 General Session

Part 2
Physical Therapies Licensing Board

58-24b-201 Physical and Occupational Therapy Licensing Board -- Creation -- Membership -- Duties.

(1) There is created the Physical and Occupational Therapy Licensing Board, consisting of:
(a) three licensed physical therapists;
(b) one physical therapist assistant;
(c) two licensed occupational therapists;

(d) one occupational therapy assistant; and
(e) one member of the general public.
(2) Members of the board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board are described in Subsection (4) and Sections 58-1-201 through 58-1-203 with respect to this chapter or Chapter 42a, Occupational Therapy Practice Act.
(4) The board shall designate a member of the board, on a permanent or rotating basis, to:
(a) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 42a, Occupational Therapy Practice Act; and
(b) advise the division during the division's investigation of the complaints described in Subsection (4)(a).
(5) A board member who has reviewed a complaint or been involved in an investigation under Subsection (4) is disqualified from participating in an adjudicative proceeding relating to the complaint or investigation.

Amended by Chapter 64, 2026 General Session

Part 3
Licensing

58-24b-301 Authority to practice physical therapy.

A person may not engage in the practice of physical therapy, unless the person is:
(1) licensed under this chapter and practices within the scope of that license; or
(2) exempted from the licensing requirements of this chapter under Section 58-1-307 or 58-24b-304.

Amended by Chapter 238, 2016 General Session

58-24b-302 Licensure.

(1) An applicant for a license as a physical therapist shall:
(a) complete the application process, including payment of fees;
(b) submit proof of graduation from a professional physical therapist education program that is accredited by a recognized accreditation agency;
(c) pass a licensing examination:
(i) after complying with Subsection (1)(b); or
(ii) if the applicant is in the final term of a professional physical therapist education program that is accredited by a recognized accreditation agency;
(d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
(e)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and

(f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) An applicant for a license as a physical therapist assistant shall:

(a) complete the application process, including payment of fees set by the division, in accordance with Section 63J-1-504, to recover the costs of administering the licensing requirements relating to physical therapist assistants;

(b) submit proof of graduation from a physical therapist assistant education program that is accredited by a recognized accreditation agency;

(c) pass a licensing examination approved by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) after the applicant complies with Subsection (2)(b); or

(ii) if the applicant is in the final term of a physical therapist assistant education program that is accredited by a recognized accreditation agency;

(d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

(e)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (2)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves; and

(f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) An applicant for a license as a physical therapist who is educated outside of the United States shall:

(a) complete the application process, including payment of fees;

(b)

(i) provide satisfactory evidence that the applicant graduated from a professional physical therapist education program that is accredited by a recognized accreditation agency; or

(ii)

(A) provide satisfactory evidence that the applicant graduated from a physical therapist education program that prepares the applicant to engage in the practice of physical therapy, without restriction;

(B) provide satisfactory evidence that the education program described in Subsection (3)(b)(ii)(A) is recognized by the government entity responsible for recognizing a physical therapist education program in the country where the program is located; and

(C) pass a credential evaluation to ensure that the applicant has satisfied uniform educational requirements;

(c) after complying with Subsection (3)(b), pass a licensing examination;

(d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

(e)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (3)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves; and

(f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) The division shall issue a license to an individual who holds a current unrestricted license to practice physical therapy in a state, district, or territory of the United States of America, other than Utah, if the individual:

(a) completes the application process, including payment of fees;

(b) is able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

(c)

(i) consents to, and completes, a criminal background check, described in Section 58-1-301.5;

(ii) meets any other standard related to the criminal background check described in Subsection (4)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) discloses any criminal history the division requests on a form the division approves; and

(d) meets any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5)

(a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an internship in physical therapy, unless the individual is:

(i) certified by the division; or

(ii) exempt from licensure under Section 58-24b-304.

(b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is participating in the supervised clinical training program for the purpose of becoming a physical therapist or a physical therapist assistant.

Amended by Chapter 443, 2025 General Session

58-24b-303 Term of license -- Renewal -- Temporary license for physical therapist assistant.

(1) A license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. The division may, by rule, extend or shorten a license renewal process by one year in order to stagger the renewal cycles that the division administers.

(2) At the time of license renewal, the licensee shall provide satisfactory evidence that the licensee completed continuing education competency requirements, established by the division, by rule.

(3) If a license renewal cycle is shortened or extended under Subsection (1), the division shall increase or reduce the required continuing education competency requirements accordingly.

(4) A license issued under this chapter expires on the expiration date indicated on the license, unless the license is renewed under this section.

Amended by Chapter 318, 2018 General Session

58-24b-304 Exemptions from licensure.

(1) In addition to the exemptions from licensure described in Section 58-1-307, as modified by Subsection 58-24b-302(5), a person may engage in acts that constitute the practice of physical therapy without a license issued under this chapter if:

(a) the person is licensed under another law of the state to engage in acts that constitute the practice of physical therapy if that person does not:

(i) claim to be a physical therapist;

(ii) claim to be a provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person; or
(iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person;
(b) the person practices physical therapy, under federal law, in:
(i) the United States armed services;
(ii) the United States Public Health Service; or
(iii) the Veterans Administration;
(c) the person is:
(i) licensed as a physical therapist in:
(A) a state, district, or territory of the United States, other than Utah; or
(B) a country other than the United States; and
(ii)
(A) teaching, demonstrating, or providing physical therapy in connection with an educational seminar, if the person engages in this conduct in Utah no more than 60 days per calendar year;
(B) practicing physical therapy directly related to the person's employment with, or contract with, an established athletic team, athletic organization, or performing arts company that plays, practices, competes, or performs in Utah no more than 60 days per calendar year; or
(C) providing consultation by telecommunication to a physical therapist;
(d) the person:
(i)
(A) is licensed as a physical therapist assistant under federal law; and
(B) practices within the scope of practice authorized by federal law for a physical therapist assistant; or
(ii)
(A) is licensed as a physical therapist assistant in:
(I) a state, district, or territory of the United States, other than Utah; or
(II) a country other than the United States; and
(B)
(I) practices within the scope of practice authorized for a physical therapist assistant by the jurisdiction described in Subsection (1)(d)(ii)(A); and
(II) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii); or
(e) the person:
(i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;
(ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
(iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.
(2) A person who is exempted from licensure under Subsection (1)(b) may practice animal physical therapy without a license under this section if the person:
(a) is authorized to practice animal physical therapy under federal law; and
(b) practices animal physical therapy within the scope of practice authorized by federal law.
(3) A person who is exempted from licensure under Subsection (1)(c) may practice animal physical therapy without a license under this section if the person:
(a) is authorized to practice animal physical therapy in:

(i) a state, district, or territory of the United States, other than Utah; or
(ii) a country other than the United States; and
(b) practices animal physical therapy:
(i) within the scope of practice for the jurisdiction described in Subsection (3)(a) where the person is authorized to practice animal physical therapy; and
(ii) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii).

Amended by Chapter 39, 2018 General Session

58-24b-305 License denial -- Discipline -- Cease and desist order.

In accordance with Section 58-1-401, the division may:
(1) refuse to issue a license to an applicant;
(2) refuse to renew a license;
(3) revoke, suspend, or restrict a license;
(4) place a license on probation;
(5) issue a public or private reprimand to a licensee; or
(6) issue a cease and desist order.

Enacted by Chapter 220, 2009 General Session

58-24b-306 Trigger point dry needling -- Experience required -- Registration.

(1) A physical therapist may practice trigger point dry needling if the physical therapist:
(a) has a valid license to practice physical therapy under this chapter;
(b) has successfully completed a course in trigger point dry needling that is:
(i) approved by the division; and
(ii) at least 304 total course hours, including at a minimum of:
(A) 54 hours of in-person instruction; and
(B) 250 supervised patient treatment hours;
(c) files a certificate of completion of the course described in Subsection (1)(b) with the division;
(d) registers with the division as a trigger point dry needling practitioner; and
(e) meets any other requirement to practice trigger point dry needling established by the division.
(2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
(a) the criteria for approving a course described in Subsection (1)(b); and
(b) the requirements described in Subsection (1)(e).
(3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).

Enacted by Chapter 219, 2025 General Session

58-24b-307 No referral required for physical therapy.

A physical therapist may evaluate, initiate, and provide physical therapy treatment for a client without a referral from another health service provider.

Enacted by Chapter 219, 2025 General Session

Part 4
Practice of Physical Therapy

58-24b-401 Authority and ethical standards of a licensed physical therapist and licensed physical therapist assistant -- Function of a physical therapy aide.

(1) A licensed physical therapist:
  (a) is fully authorized to practice physical therapy; and
  (b) shall adhere to the standards of ethics described in:
    (i) the American Physical Therapy Association's Code of Ethics and Guide for Professional Conduct; and
    (ii) rule.
(2) A licensed physical therapist assistant:
  (a) is authorized to practice physical therapy:
    (i) under the on-site supervision or general supervision of a licensed physical therapist; and
    (ii) within the scope of practice of a licensed physical therapist assistant, as described in this chapter and by rule;
  (b) shall adhere to the standards of ethics described in:
    (i) the American Physical Therapy Association's Code of Ethics and Guide for Professional Conduct; and
    (ii) rule; and
  (c) may not be supervised by any person other than a licensed physical therapist.
(3)
  (a) A physical therapy aide may not engage in the practice of physical therapy.
  (b) Notwithstanding Subsection (3)(a), a physical therapy aide may provide routine assistance to:
    (i) a licensed physical therapist while the licensed physical therapist engages in the practice of physical therapy, if the physical therapy aide is under the on-site supervision of the licensed physical therapist; or
    (ii) a licensed physical therapist assistant while the licensed physical therapist assistant engages in the practice of physical therapy, within the scope of the licensed physical therapist assistant's license, if the physical therapy aide is:
      (A) under the general or on-site supervision of a licensed physical therapist; and
      (B) under the on-site supervision of the licensed physical therapist assistant.

Enacted by Chapter 220, 2009 General Session

58-24b-402 Patient care and management.

(1) A licensed physical therapist shall:
  (a) manage the physical therapy of a patient under the licensed physical therapist's care;
  (b) perform the initial evaluation and documentation for each patient;
  (c) perform periodic reevaluation and documentation for each patient;
  (d) perform a physical therapy intervention that requires immediate and continuous evaluation throughout the intervention;
  (e) perform on a patient all therapeutic intervention that is outside of the scope of practice of a licensed physical therapist assistant or a physical therapy aide;
  (f) determine the therapeutic intervention a licensed physical therapist assistant performs while under the licensed physical therapist's on-site supervision or while the licensed physical therapist is immediately available in person, by telephone, or by electronic communication

to ensure that the therapeutic intervention is safe, effective, efficient, and within the scope of practice of the licensed physical therapist assistant;
(g) conduct the discharge of each patient and document each patient's response to therapeutic intervention at the time of discharge; and
(h) provide accurate documentation of the billing and services provided.
(2) A licensed physical therapist assistant or a physical therapy aide may not:
(a) perform a physical therapy evaluation or assessment;
(b) identify or label a physical impairment or injury;
(c) design a plan of care for a patient;
(d) perform the sharp selective debridement component of wound management; or
(e) perform high-velocity thrust joint mobilization.
(3) A licensed physical therapy aide may not perform or assist in any joint mobilization component of manual therapy except:
(a) a simple joint distraction technique or stretching; or
(b) a stretch or a mobilization that is a part of a home exercise program.

Amended by Chapter 96, 2026 General Session

58-24b-403 Administration of a prescription drug -- Ordering laboratory testing -- Reporting laboratory results -- Referral.
(1) A licensed physical therapist may purchase, store, and administer topical and aerosol medications that require a prescription as provided in this section.
(2) A licensed physical therapist may purchase, store, and administer:
(a) a topical medication for wound care and for musculoskeletal treatment, using iontophoresis or phonorphoresis; and
(b) an aerosol medication for pulmonary hygiene in an institutional setting, if a licensed respiratory therapist is not available within a 10 mile radius of the institution.
(3) A licensed physical therapist shall purchase, store, or administer a medication described in this section in accordance with a written prescription issued by a practitioner who is licensed to prescribe that medication.
(4) This section does not authorize a licensed physical therapist to dispense a prescription drug.

Amended by Chapter 96, 2026 General Session

58-24b-404 Supervision of a licensed physical therapist assistant or a physical therapy aide.
The division shall make rules that describe the circumstances under which general supervision or on-site supervision of a physical therapist assistant or a physical therapy aide is required.

Enacted by Chapter 220, 2009 General Session

58-24b-405 Animal physical therapy.
(1) Subject to Subsection 58-28-307(12)(b), a licensed physical therapist may practice animal physical therapy if the licensed physical therapist completes at least 100 hours of animal physical therapy training and education, which shall include:
(a) 50 hours of on-the-job training under the supervision of a licensed veterinarian;
(b) completion of a quadruped anatomy course; and
(c) continuing education for the required hours remaining.

(2) Subject to Subsection 58-28-307(12)(b), a licensed physical therapist assistant may practice animal physical therapy, within the scope of the licensed physical therapist assistant's practice, if the licensed physical therapist assistant:
(a) is under the on-site supervision or general supervision of a physical therapist who has complied with the requirements of Subsection (1); and
(b) completes at least 100 hours of animal physical therapy training and education, which shall include:
(i) 50 hours of on-the-job training under the supervision of a licensed veterinarian;
(ii) completion of a quadruped anatomy course; and
(iii) continuing education for the required hours remaining.

Enacted by Chapter 220, 2009 General Session

Part 5
Unlawful and Unprofessional Conduct

58-24b-501 Unlawful conduct.

In addition to the conduct described in Subsection 58-1-501(1), "unlawful conduct" includes:
(1) practicing physical therapy, unless the person:
(a) is licensed under this chapter to practice physical therapy and practices within the scope of that license; or
(b) is exempt from licensure under Section 58-24b-304;
(2) practicing animal physical therapy, unless the person is:
(a) authorized to practice animal physical therapy under Section 58-24b-405; or
(b) authorized to practice animal physical therapy under Subsection 58-24b-304(1)(a), (2), or (3);
(3) representing oneself as, or using the title of, a physical therapist, unless the person is:
(a) a licensed physical therapist; or
(b)
(i) licensed as a physical therapist in a jurisdiction other than Utah;
(ii) does not represent oneself as being a physical therapist licensed in Utah; and
(iii) exempt from licensure under Section 58-24b-304;
(4) representing oneself as, or using the title of, a physical therapist assistant, unless the person:
(a) is a licensed physical therapist assistant; or
(b)
(i) is licensed as a physical therapist assistant in a jurisdiction other than Utah;
(ii) does not represent oneself as being a physical therapist assistant licensed in Utah; and
(iii) is exempt from licensure under Section 58-24b-304; and
(5) conduct designated as "unlawful conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

58-24b-502 Unprofessional conduct.

In addition to the conduct described in Subsection 58-1-501(2), "unprofessional conduct" includes:
(1) using or employing the services of an individual to assist a person licensed under this chapter in a manner that is not in accordance with:

(a) generally recognized practices, standards, or ethics of the profession for which the person is licensed; or
(b) the requirements of this chapter or rule;
(2) failure by a person licensed under this chapter to confine the person's conduct to that which:
(a) the person is competent to perform, by education, training, and experience; and
(b) is within the scope of practice permitted under this chapter or rule;
(3) failure to supervise a licensed physical therapist assistant or a physical therapy aide in accordance with the requirements of this chapter or rule; and
(4) other conduct defined as "unprofessional conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

58-24b-503 Lawful and unlawful use of titles and terms -- Unlawful advertising or promotion.
(1) A person who is a licensed physical therapist shall use the letters "PT" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist.
(2) A person who is a licensed physical therapist assistant shall use the letters "PTA" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist assistant.
(3) It is unlawful for a person who is not a licensed physical therapist, a licensed physical therapist assistant, or a person described in Subsection 58-24b-304(1)(e) to:
(a) use, in connection with the person's name or business, any of the following words or abbreviations:
(i) physical therapy, except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state;
(ii) physiotherapy; or
(iii) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person practices physical therapy; or
(b) offer, provide, or bill a person for:
(i) physical therapy services or anything that is characterized as physical therapy services; or
(ii) physiotherapy services or anything that is characterized as physiotherapy services.
(4) It is unlawful for a person who is not a licensed physical therapist to:
(a) except as provided in Subsection (6), use, in connection with the person's name or business, any of the following words or abbreviations:
(i) physical therapist;
(ii) physiotherapist;
(iii) PT;
(iv) DPT;
(v) MPT; or
(vi) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist or physiotherapist;
(b) advertise that a person who is not a licensed physical therapist is a physical therapist or physiotherapist; or
(c) promote a person who is not a licensed physical therapist as a physical therapist or physiotherapist.
(5) It is unlawful for a person who is not a licensed physical therapist assistant to:
(a) use, in connection with the person's name or business, any of the following words or abbreviations:
(i) physical therapist assistant;

(ii) physiotherapist assistant;
(iii) PTA; or
(iv) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist assistant or a physiotherapist assistant;
(b) advertise that a person who is not a licensed physical therapist assistant is a physical therapist assistant or a physiotherapist assistant; or
(c) promote a person who is not a licensed physical therapist assistant as a physical therapist assistant or physiotherapist assistant.
(6) Subsection (4)(a) does not prohibit a person from using a word or abbreviation described in Subsection (4)(a) in connection with the person's business, if the person employs a physical therapist at the person's business.

Enacted by Chapter 220, 2009 General Session

58-24b-504 Reporting unlawful or unprofessional conduct -- Immunity -- Confidentiality.
(1) A person who is aware that a person who is licensed under this chapter has violated a provision of this chapter, or a rule made pursuant to this chapter, shall report the violation to the division.
(2) A person who makes a good faith report under Subsection (1) is immune from direct or derivative civil liability for making the report.
(3) The division, the board, or a member of the division or the board, may not disclose the identity of a person who makes a report under this section, unless the disclosure is:
(a) essential to the conduct of an investigation or hearing; or
(b) ordered by a court of competent jurisdiction.

Enacted by Chapter 220, 2009 General Session

Chapter 24c
Physical Therapy Licensure Compact

58-24c-101 Title.
This chapter is known as the "Physical Therapy Licensure Compact."

Enacted by Chapter 164, 2017 General Session

58-24c-102 Physical Therapy Licensure Compact.
PHYSICAL THERAPY LICENSURE COMPACT
SECTION 1. PURPOSE
The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.
This Compact is designed to achieve the following objectives:
1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multi-state physical therapy practice;

4. Support spouses of relocating military members;

5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and

6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

3. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

9. "Home state" means the member state that is the licensee's primary state of residence.

10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

11. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

13. "Member state" means a state that has enacted the Compact.

14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

17. "Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

18. "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote State" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle, or directive promulgated by the Commission that has the force of administrative rule.

22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a state must:

1. Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with Section 3B;

5. Comply with the rules of the Commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. SEC. 534 and 42 U.S.C. SEC. 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.

D. Member states may charge a fee for granting a compact privilege.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 4D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of Section 4A to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;

2. All fines have been paid; and

3. Two years have elapsed from the date of the adverse action.

H. Once the requirements of Section 4G have been met, the license must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

A. Home of record;

B. Permanent Change of Station (PCS); or

C. State of current residence if it is different than the PCS state or home of record.

SECTION 6. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in Section 4D against a licensee's compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the Commission.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of administrative rule and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Board as provided in bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following Duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 9.

2. The Commission or the Executive Board or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Board or other committees of the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 8. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Non-confidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 9. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's Legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of administrative rule on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Enacted by Chapter 164, 2017 General Session

58-24c-103 Rulemaking authority.

The division may adopt rules necessary to implement the provisions of this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 164, 2017 General Session

58-24c-104 Physical therapy licensing board.

As used in the compact, with reference to this state, "physical therapy licensing board" or "licensing board" means the Physical Therapies Licensing Board created in Section 58-24b-201.

Amended by Chapter 507, 2024 General Session

Chapter 26a
Certified Public Accountant Licensing Act

Part 1
General Provisions

58-26a-101 Title.

This chapter is known as the "Certified Public Accountant Licensing Act."

Enacted by Chapter 261, 2000 General Session

58-26a-102 Definitions.

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

(1) "Accounting experience" means applying accounting and auditing skills and principles that are taught as a part of the professional education qualifying a person for licensure under this chapter and generally accepted by the profession, under the supervision of a licensed certified public accountant.

(2) "AICPA" means the American Institute of Certified Public Accountants.

(3)

(a) "Attest and attestation engagement" means providing any or all of the following services:

(i) an audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);

(ii) a review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS);

(iii) an examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE);

(iv) an examination, review, or agreed upon procedures engagement to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE), other than an examination described in Subsection (3)(a)(iii); or

(v) an engagement to be performed in accordance with the standards of the PCAOB.

(b) The division shall adopt the standards specified in this definition:

(i) that are developed for general application by recognized national accountancy organizations such as the AICPA and the PCAOB; and

(ii) by reference under the division's rulemaking authority in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) "Board" means the Utah Board of Accountancy created in Section 58-26a-201.

(5) "Certified Public Accountant" or "CPA" means an individual currently licensed by this state or any other state, district, or territory of the United States of America to practice public accountancy or who has been granted a license as a certified public accountant under prior law or this chapter.

(6) "Certified Public Accountant firm" or "CPA firm" means a qualified business entity holding a valid registration as a Certified Public Accountant firm under this chapter.

(7)

(a) "Client" means the person who retains a licensee for the performance of one or more of the services included in the definition of the practice of public accountancy.

(b) "Client" does not include a CPA's employer when the licensee works in a salaried or hourly rate position.

(8) "Compilation" means providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is presenting, in the form of financial statements, information that is the representation of management or owners, without undertaking to express any assurance on the statements.

(9) "Experience" means:

(a) accounting experience; or

(b) professional experience.

(10) "Licensee" means the holder of a current valid license issued under this chapter.

(11) "NASBA" means the National Association of State Boards of Accountancy.

(12) "PCAOB" means the Public Company Accounting Oversight Board.

(13) "Practice of public accounting" means, while holding oneself out as a certified public accountant, offering to perform or performing one or more kinds of services involving the use of auditing or accounting skills, including issuing reports or opinions on financial statements, performing attestation engagements, performing one or more kinds of advisory or consulting services, preparing tax returns, or furnishing advice on tax matters for a client.

(14) "Peer review" means a board approved study, appraisal, or review of one or more aspects of the attest and compilation services rendered by a licensee in the practice of public accounting, performed by a licensee holding an active license in this or another state who is not affiliated with the licensee being reviewed.

(15) "Principal place of business" means the office location designated by the licensee for purposes of licensure by endorsement.

(16) "Professional experience" means experience lawfully obtained while licensed as a certified public accountant in another state, recognized by rule, in the practice of public accountancy performed for a client, which includes expression of assurance or opinion.

(17) "Qualified business entity" means a sole proprietorship, corporation, limited liability company, or partnership engaged in the practice of public accountancy.

(18) "Qualified continuing professional education" means a formal program of education that contributes directly to the professional competence of a certified public accountant.

(19) "Qualifying examinations" means:

(a) the AICPA Uniform CPA Examination;

(b) the AICPA Examination of Professional Ethics for CPAs;

(c) the Utah Laws and Rules Examination; and

(d) any other examination approved by the board and adopted by the division by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(20)

(a) "Report," when used with reference to financial statements, means:

(i) an opinion, report, or other form of language that:

(A) states or implies assurance as to the reliability of the attested information or compiled financial statements; or

(B) implies that the individual or firm issuing the report has special knowledge or competence in accounting or auditing and specifically includes compilations and reviews; such an implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is a public accountant or auditor, or from the language of the report itself; or

(ii) any disclaimer of opinion:

(A) that is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to or language suggesting special competence on the part of the individual or firm issuing such language; and

(B) the report includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

(b) "Report" does not include a financial statement prepared by an unlicensed person if:

(i) that financial statement has a cover page that includes essentially the following language: "I (we) have prepared the accompanying financial statements of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing, in the form of financial statements, information that is the representation of management (owners). I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them."; and

(ii) the cover page and any related footnotes do not use the terms "compilation," "review," "audit," "generally accepted auditing standards," "generally accepted accounting principles," or other similar terms.

(21) "Review of financial statements" means providing a service in accordance with the Statements on Standards for Accounting and Review Services in which the accountant obtains limited assurance as a basis for reporting whether the accountant is aware of any material modifications that should be made to the financial statements for the financial statements to be in accordance with the applicable financial reporting framework, primarily through the performance of inquiry and analytical procedures.

(22) "Uniform Accountancy Act" means the model public accountancy legislation developed and promulgated by national accounting and regulatory associations that contains standardized definitions and regulations for the practice of public accounting as recognized by the division in collaboration with the board.

(23) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-26a-501.

(24) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-26a-502 and as may be further defined by rule.

(25) "Year of experience" means 2,000 hours of experience:

(a) generally accepted by the profession; and

(b) under the supervision of a licensed certified public accountant.

Amended by Chapter 283, 2025 General Session

Part 2
Board

58-26a-201 Board.

(1) There is created the Utah Board of Accountancy consisting of four licensed certified public accountants and one member of the general public.

(2) The board shall be appointed and shall serve in accordance with Section 58-1-201.

(3)

(a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203.

(b) The board shall designate one of the board's members on a permanent or rotating basis to:

(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(ii) advise the division in the division's investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of the complaint may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Amended by Chapter 283, 2025 General Session

Part 3
Licensing

58-26a-301 Licensure or registration required -- License and registration classifications.

(1)
(a) A license is required for an individual to engage in the practice of public accounting, except as specifically provided in Section 58-26a-305 or 58-1-307.
(b) Registration with the division is required for a qualified business entity to engage in the practice of public accounting, except as specifically provided in Section 58-26a-305 or 58-1-307.
(2)
(a) The division shall issue to an individual who qualifies under this chapter a license in the classification of Certified Public Accountant.
(b) The division shall issue to a qualified business entity which qualifies under this chapter a registration in the classification of Certified Public Accountant Firm.

Enacted by Chapter 261, 2000 General Session

58-26a-302 Qualifications for licensure and registration -- Licensure by endorsement.

(1) Each applicant for licensure under this chapter as a certified public accountant shall:
(a) submit an application in a form the division approves by rule;
(b) pay a fee the department determines in accordance with Section 63J-1-504;
(c) submit a certified transcript of credits from an accredited institution acceptable to the board showing:
(i) successful completion of:
(A) a bachelor's degree or a master's degree in accounting at a college or university approved by the board; or
(B) at least a bachelor's degree with a concentration in accounting and business as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, at a college or university the board approves; and
(ii) compliance with any other education requirements the division makes by rule made in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(d) submit evidence of accounting experience in a form the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(e) submit evidence of having successfully completed the qualifying examinations in accordance with Section 58-26a-306; and

(f) submit to an interview as the board may request for the purpose of examining the applicant's competence and qualifications for licensure.

(2)

(a) The division may issue a license under this chapter to an individual who holds a license as a certified public accountant issued by another state if the applicant for licensure by endorsement:

(i) submits an application in a form the division approves by rule;

(ii) pays a fee the department determines in accordance with Section 63J-1-504;

(iii) submits to an interview as the board may request for the purpose of examining the applicant's competence and qualifications for licensure; and

(iv)

(A)

(I) shows evidence of having passed the qualifying examinations; and

(II)

(Aa) meets the requirements for licensure that were applicable in this state at the time of the issuance of the applicant's license by the state from which the original licensure by satisfactorily passing the AICPA Uniform CPA Examination was issued; or

(Bb) had four years of professional experience after passing the AICPA Uniform CPA Examination upon which the original license was based, within the 10 years immediately preceding the application for licensure by endorsement; or

(B) shows evidence that the applicant's education, examination record, and experience are substantially equivalent to the requirements of Subsection (1), as the division requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) This Subsection (2) applies only to an individual seeking to obtain a license issued by this state and does not apply to an individual practicing as a certified public accountant in the state under Subsection 58-26a-305(1).

(3)

(a) Each applicant for registration as a certified public accountant firm shall:

(i) submit an application in a form the division approves by rule;

(ii) pay a fee the department determines in accordance with Section 63J-1-504;

(iii) have, notwithstanding any other provision of law, a simple majority of the ownership of the certified public accountant firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, held by individuals who are certified public accountants, licensed under this chapter or another state of the United States of America, and the partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state hold a valid license issued under Subsection 58-26a-301(2) or the corresponding provisions of prior law; and

(iv) meet any other requirements the division makes in collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) Each separate location of a qualified business entity within the state seeking registration as a certified public accountant firm shall register separately.

(c) A certified public accountant firm may include owners who are not licensed under this chapter as outlined in Subsection (3)(a)(iii), provided that:

(i) the firm designates a licensee of this state who is responsible for the proper registration of the certified public accountant firm and identifies that individual to the division; and

(ii) all nonlicensed owners are active individual participants in the certified public accounting firm.

Amended by Chapter 64, 2026 General Session

58-26a-303 Term of license and registration -- Expiration -- Renewal.

(1) The division shall issue each license and registration under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal a licensee shall show satisfactory evidence of each of the following renewal requirements:

(a) completion of qualified continuing education as required under Section 58-26a-304; and

(b) successful completion of a peer review meeting the requirements established by rule by the division in collaboration with the board.

(3) Each license or registration automatically expires on the date shown on the license or registration unless it is renewed in accordance with Section 58-1-308.

Enacted by Chapter 261, 2000 General Session

58-26a-304 Continuing education.

(1) Except as provided in Subsections (2) through (4), as a condition precedent for a license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete 80 hours of qualified continuing professional education in accordance with standards defined by rule.

(2) A person practicing as a certified public accountant in the state under Subsection 58-26a-302(2) and who is seeking a license renewal in this state shall be determined to have met the continuing professional education requirement of this section by:

(a) meeting the continuing professional education requirements for license renewal in the state in which the licensee's principal place of business is located;

(b) demonstrating compliance with the requirements of Subsection (2)(a) by signing a statement to that effect on the renewal application of this state;

(c) complying with all continuing professional education requirements described in Subsection (1) if the state where the person's principal place of business is located has no continuing professional education requirements for license renewal;

(d) completing at least one hour of continuing professional education that covers:

(i) this chapter; and

(ii) Utah Administrative Code, R156-26a, Utah Certified Public Accountant Licensing Act Rule; and

(e) completing at least three hours of ethics education that cover one or more of the following areas:

(i) the AICPA Code of Professional Conduct;

(ii) case-based instruction focusing on real-life situational learning;

(iii) ethical dilemmas faced by accounting professionals; or

(iv) business ethics.

(3) If a renewal cycle is extended or shortened under Section 58-26a-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

(4)

(a) A licensee may request a waiver of the requirements of Subsection (1) for a period not exceeding three years by:

(i) submitting an application for waiver in a form approved by the division; and
(ii) demonstrating that the licensee will be engaged in activities or be subject to circumstances which prevent the licensee from meeting the requirements of Subsection (1) during the period of the waiver.
(b) An application for waiver shall be granted upon a showing of good cause.
(c) A licensee who is granted a waiver under this section shall complete 30 hours of continuing professional education within the six months immediately following the expiration of the waiver that includes at least 16 hours of continuing professional education focusing on auditing and accounting.

Amended by Chapter 229, 2017 General Session

58-26a-305 Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of the practice of public accountancy, subject to the stated circumstances and limitations, without being licensed under this chapter:
(a) an individual that:
(i) holds a valid license or permit in good standing as a certified public accountant or equivalent issued by another state, if at the time the individual was licensed, the individual showed evidence of having successfully completed the equivalent of qualifying examinations required for that state; and
(ii) consents, as a condition of the grant of the privilege described in Subsection (1)(a)(i):
(A) to personal and subject matter jurisdiction and disciplinary authority of the division;
(B) to comply with this chapter and the rules made under this chapter;
(C) that in the event the license from the state of the individual's principal place of business becomes invalid, the individual shall cease offering or rendering professional services in this state both individually and on behalf of the firm; and
(D) to the appointment of the state board which issued the individual's license as the individual's agent upon whom process may be served in an action or proceeding brought by the division against the individual;
(b) an officer, member, partner, or employee of any entity or organization who signs any statement or report in reference to the financial affairs of the entity or organization with a designation of that individual's position within the entity or organization;
(c) a public official or employee while performing the public official's or employee's official duties;
(d) an individual using accounting or auditing skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports; or
(e) an employee of a CPA firm registered under this chapter or an assistant to a person licensed under this chapter, working under the supervision of a licensee, if:
(i) neither the employee or assistant nor the licensed employer or registered CPA firm represents that the unlicensed individual is a certified public accountant; and
(ii) no accounting or financial statements are issued in the unlicensed individual's name.
(2)
(a) Notwithstanding any other provision of law, an individual who qualifies under Subsection (1)(a) has all the privileges of a licensee of this state and may engage in acts included within the definition of the practice of public accountancy, whether in person or by mail, telephone, or electronic means, based on a practice privilege in this state, and no notice, fee, or other submission shall be provided by that person.

(b) The division may revoke, suspend, or restrict an exemption granted under Subsection (1)(a), or place on probation or issue a public or private reprimand to a person exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).

Amended by Chapter 283, 2025 General Session

58-26a-306 Examination requirements.

(1) Before taking the qualifying examinations, an applicant shall:
(a) submit an application in a form approved by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) demonstrate completion of at least a bachelor's degree or the equivalent as described in Subsection 58-26a-302(1)(c); and
(d) be approved by the board, or an organization designated by the board, to take the qualifying examinations.
(2) An individual shall sit for and meet the conditioning requirements of the AICPA Uniform CPA Examination as established by the AICPA.

Amended by Chapter 283, 2025 General Session

58-26a-307 CPA emeritus status -- Renewal of license.

(1) A person currently licensed as a certified public accountant may, on any renewal date of that license, apply for and obtain a transfer of that license to a status of CPA emeritus registration if:
(a)
(i) the licensee is at least 60 years of age as of the date of renewal;
(ii) the licensee has a disability; or
(iii) the board finds other good cause for believing that the licensee will not return to the practice of public accountancy;
(b) the licensee makes an application for transfer of status and registration and pays a registration fee determined by the department under Section 63J-1-504;
(c) the licensee, on application for transfer, certifies that the licensee will not engage in the practice of public accountancy while in the status of CPA emeritus registration; and
(d) the licensee is in good standing as a CPA and not subject to any order of revocation, suspension, or probation.
(2) Each CPA emeritus registration shall be issued in accordance with a two-year renewal cycle established by rule.
(3) CPA emeritus registrants may not engage in the practice of public accountancy.
(4) CPA emeritus registrants are not required to fulfill the continuing professional education or peer review provisions of this chapter.
(5) Each CPA emeritus registrant is responsible for renewing the registration, according to procedures that the division establishes by rule in collaboration with the board in accordance with Section 58-1-308.
(6) A CPA emeritus registrant may reinstate the CPA license by:
(a) submitting an application in a form prescribed by the division;
(b) paying a fee determined by the department under Section 63J-1-504; and
(c) showing evidence of having completed the continuing professional education requirement established by rule.

Amended by Chapter 366, 2011 General Session

Part 4
License Denial and Discipline

58-26a-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 261, 2000 General Session

Part 5
Unlawful and Unprofessional Conduct

58-26a-501 Unlawful conduct.

(1) "Unlawful conduct" includes:

(a) using "certified public accountant," "public accountant," "CPA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a certified public accountant, unless that individual:

(i) has a current license as a certified public accountant issued under this chapter; or

(ii) is exempt from licensure under Subsection 58-26a-305(1)(a);

(b) a firm assuming or using "certified public accountant," "CPA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants unless each office of the firm in this state:

(i) is registered with the division; and

(ii) meets the requirements of Subsections 58-26a-302(3)(a)(iii) and (iv);

(c) signing or affixing to any accounting or financial statement the person's name or any trade or assumed name used in that person's profession or business, with any wording indicating that the person is an auditor, or with any wording indicating that the person has expert knowledge in accounting or auditing, unless that person is licensed under this chapter and all of the person's offices in this state for the practice of public accountancy are maintained and registered as provided in this chapter; and

(d) except as provided in Section 58-26a-305, engaging in the following conduct if not licensed under this chapter to practice public accountancy:

(i) issuing a report on financial statements of any other person, firm, organization, or governmental unit; or

(ii) issuing a report using any form of language substantially similar to conventional language used by licensees respecting:

(A) a review of financial statements; or

(B) a compilation of financial statements.

(2)

(a) Except as provided in Subsection (2)(c), if, upon inspection or investigation, the division concludes that a person has engaged in unlawful conduct and that disciplinary action is

appropriate, the division shall promptly issue a citation to the person in accordance with this chapter and any pertinent division rules.

(b) A citation issued under Subsection (2)(a) shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the statute or rule alleged to have been violated;

(iii) state that the recipient must notify the division in writing within 20 calendar days from the day on which the recipient receives the citation if the recipient intends to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) explain the consequences of failure to timely contest the citation or make payment of any fine assessed by citation within the time specified by the citation.

(c) The division may issue a notice instead of a citation.

(d) A citation issued as described in Subsection (2)(a) may be served:

(i)

(A) upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure; and

(B) may be made personally or upon the person's agent by a division investigator or by any person designated by the director; or

(ii) by mail.

(e) If, within 20 calendar days from the date of the service of the citation described in Subsection (2)(a), the recipient of the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(f) The division may extend the time period described in Subsection (2)(e) for cause.

(g) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.

(h) The failure of an applicant for licensure to comply with a citation after the citation becomes final is grounds for denial of a license.

(i) The division may not issue a citation more than one year after the day on which the violation that is the subject of the citation is reported to the division.

(3)

(a) The division shall assess a fine under Subsection (2) according to the following:

(i) for a first offense, a fine of up to $1,000;

(ii) for a second offense, a fine of up to $2,000; and

(iii) for any subsequent offense, a fine of up to $2,000 for each day of continued offense.

(b) An action the division initiates for a first or second offense that has not resulted in a final order of the division may not preclude the initiation of any subsequent action for a second or subsequent offense during the pendency of the preceding action.

(4)

(a) The division may collect a fine that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in a court with jurisdiction.

(b) A county attorney or the attorney general shall provide legal assistance and advice to the director in an action to collect a fine.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a fine.

Amended by Chapter 283, 2025 General Session

58-26a-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes:

(a) undertaking an engagement when the licensee knows or should know that the licensee could not reasonably expect to complete it with professional competence;

(b) making unauthorized disclosures of confidential information obtained in the practice of public accountancy;

(c) engaging in any business or activity that creates a conflict of interest with a licensee's practice in the profession when the licensee knows or should know that it is a conflict of interest and the licensee does not fully disclose the conflict of interest in writing to all affected parties;

(d) failing to meet the requirements for continuing professional education or peer review required under this chapter; or

(e) issuing a report on financial statements of a client, other than a report in which a lack of independence is disclosed, or performing an attest engagement subject to the attestation standards of the American Institute of Certified Public Accountants when the licensee is not independent, in fact and appearance, to the client.

(2)

(a) A licensee may not, for a commission, recommend or refer to a client a product or service, or for a commission recommend or refer a product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

(i) an audit or review of a financial statement;

(ii) a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(iii) an examination of prospective financial information.

(b) The prohibition under Subsection (2)(a) applies during:

(i) the period in which the licensee is engaged to perform any of the services listed in Subsection (2)(a); and

(ii) the period covered by any historical financial statements involved in any such listed services.

(c) A licensee who is not prohibited under Subsection (2)(a) from performing services or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(d) A licensee who accepts a referral fee for recommending or referring a service of a licensee to a person or entity or who pays a referral fee to obtain a client shall disclose the acceptance or payment to the client.

(3)

(a) A licensee may not:

(i) perform for a contingent fee a professional service for, or receive a contingent fee from a client for whom the licensee or the licensee's firm performs:

(A) an audit or review of a financial statement;

(B) a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(C) an examination of prospective financial information; or

(ii) prepare an original or amended tax return or claim for a tax refund for a contingent fee for a client.

(b) The prohibition in Subsection (3)(a) applies during:

(i) the period in which the licensee is engaged to perform any of the services listed in Subsection (3)(a); and
(ii) the period covered by any historical financial statements involved in the listed services.
(c) Except as stated in Subsections (3)(d) and (e), a contingent fee is a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.
(d) Solely for the purposes of this Subsection (3), fees are not regarded as being contingent if fixed by courts or other public authorities, or in tax matters, if determined based on the results of judicial proceedings or the findings of a governmental agency.
(e) A licensee's fee may vary depending, for example, on the complexity of service rendered.

Amended by Chapter 265, 2008 General Session

Part 6
Regulatory and Operating Standards

58-26a-601 Ownership of statements, records, schedules, working papers, and memoranda made by licensee.
(1) All statements, records, schedules, working papers, and memoranda made by a licensee under this chapter, incident to or in the course of professional service to a client, are the property of the licensee, in the absence of any express agreement between the licensee and the client to the contrary.
(2) A licensee may not sell, trade, or bequeath statements, records, schedules, working papers, or memoranda without the consent of the client or the client's personal representative or assignee to anyone other than another licensee or one or more surviving partners or shareholders or new partners or shareholders of the licensee or any combined or merged CPA firm or successors-in-interest to the CPA firm.

Enacted by Chapter 261, 2000 General Session

58-26a-602 Privity.
A licensee, a CPA firm registered under this chapter, and any employee, partner, member, officer, or shareholder of a licensee or CPA firm are not liable to persons with whom they are not in privity of contract for civil damages resulting from acts, omissions, decisions, or other conduct in connection with professional services performed by that person, except for:
(1) acts, omissions, decisions, or conduct that constitute fraud or intentional misrepresentations; or
(2) other acts, omissions, decisions, or conduct, if the person performing the professional services:
(a) knew that a primary intent of the client was for the professional services to benefit or influence the particular person seeking to establish liability; and
(b) identified in writing to the client that the professional services performed on behalf of the client were intended to be relied upon by the particular person seeking to establish liability.

Enacted by Chapter 261, 2000 General Session

Chapter 28
Veterinary Practice Act

Part 1
General Provisions

58-28-101 Short title.

This chapter is known as the "Veterinary Practice Act."

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-102 Definitions.

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

(1) "Abandonment" means to forsake entirely or to refuse to provide care and support for an animal placed in the custody of a licensed veterinarian.

(2) "Administer" means:

(a) the direct application by an individual of a prescription drug or device by injection, inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a research subject; or

(b) a veterinarian providing to the owner or caretaker of an animal a prescription drug for application by injection, inhalation, ingestion, or any other means to the body of the animal by the owner or caretaker in accordance with the veterinarian's written directions.

(3) "Animal" means any animal other than a human.

(4) "AVMA" means American Veterinary Medical Association.

(5) "Board" means the Veterinary Board established in Section 58-28-201.

(6) "Client" means the patient's owner, the owner's agent, or other person responsible for the patient.

(7) "Direct supervision" means a veterinarian is present and available for face-to-face contact with the patient and individual being supervised, at the time the patient is receiving veterinary care.

(8) "Extra-label use" means actual use or intended use of a drug in an animal in a manner that is not in accordance with approved labeling.

(9) "Immediate supervision" means the veterinarian is present with the individual being supervised, while the individual is performing the delegated tasks.

(10) "Indirect supervision" means a veterinarian:

(a) has given either written or verbal instructions for veterinary care of a patient to the individual being supervised; and

(b) is available to the individual being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given to the patient.

(11) "Practice of veterinary medicine, surgery, and dentistry" means to:

(a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or physical condition of any animal;

(b) administer, prescribe or dispense any drug, medicine, treatment, method, or practice, perform any operation or manipulation, apply any apparatus or appliance for the cure, relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise practice any veterinary medicine, dentistry, or surgery on any animal;

(c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery, or dentistry;
(d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;
(e) solicit, sell, or furnish any parenterally administered animal disease cures, preventions, or treatments, with or without the necessary instruments for the administration of them, or any and all worm and other internal parasitic remedies, upon any agreement, express or implied, to administer these cures, preventions, treatments, or remedies; or
(f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor," "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that such individual is qualified to practice veterinary medicine, surgery, or dentistry.

(12) "Practice of veterinary technology" means to perform tasks that are:
(a) related to the care and treatment of animals;
(b) delegated by a veterinarian;
(c) performed under the direct or indirect supervision of a veterinarian; and
(d) permitted by administrative rule and performed in accordance with the standards of the profession.

(13)
(a) "State certification" means a designation granted by the division on behalf of the state to an individual who has met the requirements for state certification as a veterinary technician related to the practice of veterinary technology.
(b) "State certification" does not grant a state certified veterinary technician the exclusive right to practice veterinary technology.

(14) "State certified" means, when used in conjunction with the occupation of veterinary technician, a title that:
(a) may be used by an individual who has met state certification requirements related to the occupation of veterinary technician as described in this chapter; and
(b) may not be used by an individual who has not met the state certification requirements related to the occupation of veterinary technician as described in this chapter.

(15)
(a) "Teeth floating" means the removal of enamel points and the smoothing, contouring, and leveling of dental arcades and incisors of equine and other farm animals.
(b) "Teeth floating" does not include a dental procedure on a canine or feline.

(16) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.

(17) "Unlicensed assistive personnel":
(a) means any unlicensed individual, regardless of title, to whom tasks are delegated by a veterinarian as permitted by administrative rule and in accordance with the standards of the profession; and
(b) includes:
(i) a veterinary assistant, if working under immediate supervision;
(ii) a state certified veterinary technician;
(iii) a veterinary technician who:
(A) has graduated from a program of veterinary technology accredited by the AVMA that is at least a two-year program; and
(B) is working under direct supervision or indirect supervision; and
(iv) a veterinary technologist who:

(A) has graduated from a four-year program of veterinary technology accredited by the AVMA; and
(B) is working under indirect supervision.
(18) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502 and may be further defined by rule.
(19) "Veterinarian" means an individual licensed under this chapter to engage in the practice of veterinary medicine, surgery, and dentistry.
(20) "Veterinarian-client-patient relationship" means:
(a) a veterinarian has assumed responsibility for making clinical judgements regarding the health of an animal and the need for medical treatment of an animal, and the client has agreed to follow the veterinarian's instructions;
(b) the veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, including knowledge of the keeping and care of the animal as a result of recent personal examination of the animal or by medically appropriate visits to the premises where the animal is housed; and
(c) the veterinarian has arranged for emergency coverage for follow-up evaluation in the event of adverse reaction or the failure of the treatment regimen.

Amended by Chapter 125, 2024 General Session

58-28-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 435, 2020 General Session

Part 2
Board

58-28-201 Veterinary Board created -- Duties.

(1) There is created a Veterinary Board consisting of four veterinarians who have practiced in the state for not less than five years and one member of the general public.
(2) The board shall be appointed and serve in accordance with the provisions of Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
(4)
(a) The board shall designate one of its members to assist and advise the division with reviewing complaints concerning unlawful or unprofessional conduct under this chapter.
(b) A board member shall be recused from any adjudicative proceeding held by the board concerning a complaint for which the board member advised the division under Subsection (4)(a).

Renumbered and Amended by Chapter 109, 2006 General Session

Part 3

Licensing

58-28-301 Licensure required.

(1)

(a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Sections 58-1-307 and 58-28-307.

(b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be licensed under this chapter as a veterinary intern in order to engage in a program of indirectly supervised clinical training with a veterinarian licensed under this chapter, and as necessary to meet licensing requirements under Subsection 58-28-302(1)(c).

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of:

(a) veterinarian; or

(b) veterinarian intern.

Amended by Chapter 339, 2020 General Session

58-28-302 License qualifications.

(1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:

(a) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;

(b)

(i) graduate from a veterinary college accredited by the AVMA; or

(ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;

(c)

(i) have practiced under the supervision of a veterinarian licensed to practice in this state for at least 1,000 hours;

(ii) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection (1)(c)(i);

(iii) have practiced as a licensed veterinarian outside Utah for at least 1,000 hours; or

(iv) have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for at least 1,000 hours; and

(d) pay a fee to the Department of Commerce determined in accordance with Section 63J-1-504 for the examination, for an initial license, and for a renewal license.

(2)

(a) An applicant for licensure as a veterinary intern shall comply with the provisions of Subsection (1)(b).

(b) An applicant's license as a veterinary intern is limited to the period of time necessary to complete clinical training as described in Subsection (1)(c) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training has been completed.

Amended by Chapter 144, 2026 General Session

58-28-303 License -- Display -- Revocation for nondisplay or nonrenewal.

A licensed veterinarian shall display the veterinarian's license in a conspicuous place in the veterinarian's principal place of business. The division may revoke any license which is not displayed in accordance with this section.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-304 Temporary license -- License reciprocity.

(1) The division may issue a temporary license to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Section 58-1-302 who meets all requirements of Section 58-28-302 with the exception of Subsections 58-28-302(1)(a) and (c), except that the temporary license shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary license.
(2) The temporary license shall permit the holder to practice under the indirect supervision of a veterinarian licensed to practice in this state.
(3) The division may extend the expiration date of the temporary license until the following examination date if:
  (a) the applicant shows to the board good cause for failing to take or pass the examination; and
  (b) the majority of the board members recommend the extension.

Amended by Chapter 415, 2022 General Session

58-28-305 Term of license -- Expiration -- Renewal.

(1) A license as a veterinarian issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) A license as a veterinarian intern issued under this chapter shall be issued for a term established by the division by rule and consistent with the requirements of Subsection 58-28-302(2)(b).
(3) Each license under this chapter automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-306 Continuing education.

The division may, by rule, in accordance with Section 58-1-203, establish a continuing education requirement as a condition to renewal of a license under this chapter.

Enacted by Chapter 109, 2006 General Session

58-28-307 Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

(1) an individual who practices veterinary medicine, surgery, or dentistry upon any animal owned by the individual, and the employee of that individual when the practice is upon an animal owned by the employee's employer, and incidental to employment, except:
  (a) this exemption does not apply to an individual, or the individual's employee, when the ownership of an animal was acquired for the purpose of circumventing this chapter; and
  (b) this exemption does not apply to the administration, dispensing, or prescribing of a prescription drug, or nonprescription drug intended for off label use, unless the administration, dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient relationship;
(2) an individual who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of the individual's academic training and under the direct supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;
(3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under the veterinarian's supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;
(4) an individual while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;
(5) an individual who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;
(6) a veterinarian licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;
(7) a registered pharmacist of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at the registered pharmacist's regular place of business;
(8) an individual in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;
(9) an individual rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;
(10) an individual performing or teaching nonsurgical bovine artificial insemination;
(11) an individual affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah;
(12)
  (a) the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has been certified by the American Veterinary Chiropractic Association for performing chiropractic on an animal;
  (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division;

(c) the practice of animal massage therapy by an individual who has completed at least 60 hours of animal massage therapy training in areas specified by the division in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(d) upon written referral by a licensed veterinarian, the practice of acupuncture by an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a course of study on animal acupuncture approved by the division;
(13) unlicensed assistive personnel performing duties appropriately delegated to the unlicensed assistive personnel in accordance with Section 58-28-502;
(14) an animal shelter employee who is:
(a)
(i) acting under the indirect supervision of a licensed veterinarian; and
(ii) performing animal euthanasia in the course and scope of employment; and
(b) acting under the indirect supervision of a veterinarian who is under contract with the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the Compendium of Animal Rabies Prevention and Control;
(15) an individual providing appropriate training for animals; however, this exception does not include diagnosing any medical condition, or prescribing or dispensing any prescription drugs or therapeutics;
(16) an individual who performs teeth floating if the individual:
(a) has a valid certification from the International Association of Equine Dentistry, or an equivalent certification designated by division rule made in collaboration with the board, to perform teeth floating;
(b) administers or uses a sedative drug only if the individual is under the direct supervision of a veterinarian in accordance with Subsection 58-28-502(2)(a)(iv); and
(17) an individual testing a bovine for pregnancy if the individual has:
(a) obtained a masters degree or higher in animal reproductive physiology; and
(b) completed at least eight hours of continuing education on animal reproductive physiology within the previous two-year period.

Amended by Chapter 455, 2024 General Session

58-28-308 Provisions for current practitioners.

An individual who, as of August 1, 2006, is practicing as a veterinarian intern under supervision of a veterinarian licensed under this chapter shall receive a temporary license to practice in the state as a veterinary intern:
(1) if, prior to August 1, 2006, the individual submits an application and any required fees to the division to obtain licensure under this chapter as a veterinary intern; and
(2) while the application for licensure is pending with the division.

Enacted by Chapter 109, 2006 General Session

58-28-309 Qualifications for state certification.

(1) The division shall grant state certification to a person who qualifies under this section to engage in the practice of veterinary technology as a state certified veterinary technician.
(2) Each applicant for state certification as a state certified veterinary technician shall:
(a) submit an application in a form prescribed by the division in consultation with the board;

(b) submit evidence of graduation from an AVMA-accredited program in veterinary technology that is at least two years, or an equivalent program as determined by division rule in consultation with the board;
(c) submit evidence of achieving a passing score, as determined by the division in consultation with the board, on the Veterinary Technician National Examination, or an equivalent examination as determined by division rule in consultation with the board;
(d) pay a fee determined by the department under Section 63J-1-504; and
(e) provide satisfactory documentation that the applicant meets other criteria determined by division rule in consultation with the board.

Enacted by Chapter 435, 2020 General Session

58-28-310 Term of state certification.
(1) The division shall grant state certification under this chapter in accordance with a two-year renewal cycle established in rule by the division in consultation with the board.
(2) At the time of renewal, an applicant for renewal shall provide proof of completion of any continuing education requirements established by the division in consultation with the board.
(3) If a state certified veterinary technician is placed on probation, the state certification is expired, or if the division revokes or suspends the state certification for an individual, the individual shall cease:
(a) using the title state certified veterinary technician in connection with the individual's name or business; and
(b) representing to others that the individual is a state certified veterinary technician.
(4) An individual whose certification ceases as described in Subsection (3) may reapply for state certification when the individual meets the requirements for state certification described in Section 58-28-309.

Enacted by Chapter 435, 2020 General Session

58-28-311 Limitation of state certification.
This chapter does not prevent a person from lawfully engaging in the practice of veterinary technology without state certification under the direct supervision of a veterinarian licensed under this chapter.

Enacted by Chapter 435, 2020 General Session

Part 4
Licensing Denial and Discipline

58-28-401 Grounds for denial of license -- Disciplinary proceedings.
Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 109, 2006 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-28-501 Unlawful conduct.

Unlawful conduct includes, in addition to the definitions in Section 58-1-501:

(1) fraudulently issuing or using any health certificate, inspection certificate, vaccination certificate, test chart, or any other certificate relating to the existence of animal diseases or the sale of animal products for human consumption;

(2) willfully misrepresenting any findings in the inspection of foodstuffs of animal origin;

(3) fraudulently misapplying or reporting any intradermal, cutaneous, subcutaneous, serological, or chemical test;

(4) for an individual who is not a state certified veterinary technician, using the title state certified veterinary technician, or representing that the individual is a state certified veterinary technician, in connection with the individual's name or business; and

(5) for a state certified individual whose state certification is suspended, placed on probation, revoked, or has expired for any reason, using the title state certified veterinary technician in connection with the individual's name or business.

Amended by Chapter 435, 2020 General Session

58-28-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definitions in Section 58-1-501:

(a) applying unsanitary methods or procedures in the treatment of any animal, contrary to rules adopted by the board and approved by the division;

(b) procuring any fee or recompense on the assurance that a manifestly incurable diseased condition of the body of an animal can be permanently cured;

(c) selling any biologics containing living or dead organisms or products or such organisms, except in a manner which will prevent indiscriminate use of such biologics;

(d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the practice of veterinary medicine, surgery, or dentistry;

(e) willful failure to report any dangerous, infectious, or contagious disease, as required by law;

(f) willful failure to report the results of any medical tests, as required by law, or rule adopted pursuant to law;

(g) violating Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;

(h) delegating to unlicensed assistive personnel:

(i) a task that violates the standards of the profession or Subsection (2); or

(ii) the administration of anesthesia or sedation if the delegating veterinarian is not providing direct supervision of the administration; and

(i) making any unsubstantiated claim of superiority in training or skill as a veterinarian in the performance of professional services.

(2)

(a) "Unprofessional conduct" does not include the following:

(i) delegating to a veterinary technologist, while under the indirect supervision of a veterinarian, patient care and treatment that requires a technical understanding of veterinary medicine if written or oral instructions are provided to the technologist by the veterinarian;
(ii) delegating to a state certified veterinary technician or a veterinary technician, while under the direct or indirect supervision of a veterinarian, patient care and treatment that requires a technical understanding of veterinary medicine if the veterinarian provides written or oral instructions to the state certified veterinary technician;
(iii) delegating to a veterinary assistant, under the immediate supervision of a licensed veterinarian, tasks that are consistent with the standards and ethics of the profession;
(iv) delegating to an individual described in Subsection 58-28-307(16), under the direct supervision of a licensed veterinarian, the administration of a sedative drug for teeth floating; or
(v) discussing the effects of the following on an animal with the owner of an animal:
(A) a cannabinoid or industrial hemp product, as those terms are defined in Section 4-41-102; or
(B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.
(b) The delegation of tasks permitted under Subsections (2)(a)(i) through (iv) does not include:
(i) diagnosing;
(ii) prognosing;
(iii) surgery; or
(iv) prescribing drugs, medicines, or appliances.
(3) Notwithstanding any provision of this section, a veterinarian is not prohibited from engaging in a discussion described in Subsection (2)(a)(v).

Amended by Chapter 362, 2026 General Session

58-28-503 Penalty for unlawful or unprofessional conduct.
(1) Any person who violates the unlawful conduct provisions of Section 58-28-501 is guilty of a third degree felony.
(2) After proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 1, Division of Professional Licensing Act, the division may impose administrative penalties of up to $10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
(3) Assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.
(4)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 415, 2022 General Session

Part 6
Standards of Practice

58-28-601 Animal abandonment.

(1) Any animal which suffers abandonment for a period of five days may be sold or placed in the custody of the nearest humane society or county dog pound if the animal is not picked up within seven days after mailing a notification, by certified mail, to the last known address of the person placing the animal in the veterinarian's custody. If no humane society or dog pound is located in the county, the animal may be disposed of in a humane manner.

(2) A veterinarian who complies with this section is relieved from liability for the disposal or sale of abandoned animals.

Renumbered and Amended by Chapter 109, 2006 General Session

58-28-602 Cruelty to animals -- Immunity for reporting.

A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

Enacted by Chapter 109, 2006 General Session

58-28-603 Medical records.

Medical records maintained by a person licensed under this chapter:

(1) shall meet the standards and ethics of the profession;

(2) shall be maintained in accordance with administrative rules adopted by the division in consultation with the board; and

(3) may be maintained in electronic format.

Enacted by Chapter 109, 2006 General Session

58-28-604 Veterinarian-client-patient relationship.

(1)

(a) Except as provided in Subsection (1)(b), a licensee under this chapter may only practice under a veterinarian-client-patient relationship as defined in Section 58-28-102.

(b) Notwithstanding Section 58-28-102, when a veterinarian employed by the Department of Agriculture and Food issues a veterinary feed directive to a beekeeper who is registered in accordance with Section 4-11-104, a veterinarian-client-patient relationship is established for the veterinarian employed by the Department of Agriculture and Food if:

(i) the relevant apiary is inspected by:

(A) a county bee inspector appointed under Section 4-11-105; or

(B) an inspector for the Department of Agriculture and Food; and

(ii) in conducting the inspection under Subsection (1)(b)(i), the inspector works in conjunction with the veterinarian employed by the Department of Agriculture and Food.

(2) A veterinarian-client-patient relationship may not be established solely by telephone or other electronic means.

Amended by Chapter 82, 2025 General Session

58-28-605 Veterinarian-client-patient confidentiality.

(1) A licensee under this chapter may not disclose information about the licensee's care of an animal to anyone other than the client, as defined in Section 58-28-102, unless:
  (a) the client consents to the disclosure in writing;
  (b) disclosure to public health officials, animal health or welfare officials, agricultural authorities, or federal, state, or local officials is required, or necessary to protect the animal or to protect public health;
  (c) disclosure is required by court order or subpoena; or
  (d) the client has placed the veterinarian's care or treatment of the animal or the nature or extent of injuries to the animal at issue in a civil or criminal proceeding.
(2) A licensee who releases medical records under the provisions of this section is not liable to the client or any other person for the release of the records.

Enacted by Chapter 109, 2006 General Session

Superseded 10/1/2026

58-28-606 Veterinary corporations, partnerships, and limited liability companies -- Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.

(1) As used in this section:
  (a) "Veterinary corporation" means a professional corporation organized to render veterinary services under Title 16, Chapter 11, Professional Corporation Act.
  (b) "Veterinary limited liability company" means a limited liability company organized to render veterinary services under Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act.
  (c) "Veterinary partnership" means a partnership or limited liability partnership organized to render veterinary services under:
    (i) Title 48, Chapter 1d, Utah Uniform Partnership Act; or
    (ii) Title 48, Chapter 2e, Utah Uniform Limited Partnership Act.
(2) A veterinary corporation may issue or transfer shares of the veterinary corporation's capital stock to a person that is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.
(3) An individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter:
  (a) may not serve as an officer or director of a veterinary corporation; and
  (b) may serve as secretary or treasurer of a veterinary corporation.
(4) A veterinary limited liability company or a veterinary partnership may include an individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.

Amended by Chapter 354, 2020 General Session

Effective 10/1/2026

58-28-606 Veterinary corporations, partnerships, and limited liability companies -- Unlicensed individuals -- Ownership of capital stock -- Service as officer or director.

(1) As used in this section:
  (a) "Veterinary corporation" means a professional corporation organized to render veterinary services under Title 16, Chapter 11, Professional Corporation Act.

(b) "Veterinary limited liability company" means a limited liability company organized to render veterinary services under Title 16, Chapter 20, Utah Revised Uniform Limited Liability Company Act.
(c) "Veterinary partnership" means a partnership or limited liability partnership organized to render veterinary services under:
(i) Title 16, Chapter 18, Utah Uniform Partnership Act; or
(ii) Title 16, Chapter 19, Utah Uniform Limited Partnership Act.
(2) A veterinary corporation may issue or transfer shares of the veterinary corporation's capital stock to a person that is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.
(3) An individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter:
(a) may not serve as an officer or director of a veterinary corporation; and
(b) may serve as secretary or treasurer of a veterinary corporation.
(4) A veterinary limited liability company or a veterinary partnership may include an individual who is not licensed to practice veterinary medicine, surgery, and dentistry under this chapter.

Amended by Chapter 92, 2026 General Session

Chapter 31b
Nurse Practice Act

Part 1
General Provisions

58-31b-101 Title.

This chapter is known as the "Nurse Practice Act."

Enacted by Chapter 288, 1998 General Session

58-31b-102 Definitions.

As used in this chapter:
(1) "Administrative penalty" means a monetary fine or citation that the division imposes:
(a) for an act or an omission that the division determines is unprofessional or unlawful conduct;
(b) in accordance with a fine schedule the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(c) as the result of an adjudicative proceeding the division conducts in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(2) "Applicant" means an individual who applies for licensure or certification under this chapter by submitting a completed application for licensure or certification and the required fees to the department.
(3) "Approved education program" means a nursing education program that meets the requirements of Section 58-31b-601.
(4) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section 58-31b-201.

(5) "Diagnosis" means the identification of and discrimination between physical and psychosocial signs and symptoms essential to the effective execution and management of health care.
(6) "Examinee" means an individual who applies to take or does take any examination required under this chapter for licensure.
(7)
(a) "License" means a license the division issues in accordance with this chapter.
(b) "License" includes a certification until the earlier of:
(i) the renewal; or
(ii) May 6, 2028.
(8)
(a) "Licensee" means an individual who is licensed under this chapter.
(b) "Licensee" includes an individual who is certified until the earlier of:
(i) renewal; or
(ii) May 6, 2028.
(9) "Long-term care facility" means the following facilities the Department of Health and Human Services licenses under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection:
(a) a nursing care facility;
(b) a small health care facility;
(c) an intermediate care facility for people with an intellectual disability;
(d) an assisted living facility Type I or II; or
(e) a designated swing bed unit in a general hospital.
(10) "Practice of nurse anesthesia" means:
(a) in accordance with Section 58-31b-803, prescribing or administering a prescription drug including a Schedule II-V controlled substance;
(b) pre-anesthesia preparation and evaluation, including:
(i) performing a pre-anesthetic assessment of the patient; and
(ii) ordering and evaluating appropriate lab and other studies to determine the health of the patient;
(c) anesthesia induction, maintenance, and emergence, including:
(i) selecting and initiating the planned anesthetic technique;
(ii) selecting and administering anesthetics and adjunct drugs and fluids; and
(iii) administering general, regional, and local anesthesia;
(d) post anesthesia follow-up care, including evaluating the patient's response to anesthesia and implementing corrective actions; and
(e) other related services related to an activity described in Subsections (10)(a) through (10)(d), including:
(i) providing emergency airway management;
(ii) providing advanced cardiac life support; and
(iii) establishing peripheral, central, and arterial invasive lines.
(11) "Practice of nursing" means assisting a patient to maintain or attain optimal health, implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment, and requires substantial specialized or general knowledge, judgment, and skill based upon principles of the biological, physical, behavioral, and social sciences.
(12) "Routine medication" means an established medication that:
(a) is administered to a medically stable patient as determined by a licensed health care provider or in consultation with a licensed health care provider; and
(b) is administered by the following routes:

(i) buccal;
(ii) ear;
(iii) eye;
(iv) inhalation:
(A) of a premeasured medication delivered by aerosol or nebulizer; or
(B) of a medication delivered by a metered hand-held inhaler;
(v) nasal;
(vi) oral;
(vii) rectal;
(viii) sublingual;
(ix) topical, including a skin ointment or a transdermal patch; or
(x) vaginal.

(13) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-31b-501.

(14) "Unlicensed assistive personnel" means an unlicensed individual, regardless of title, who is delegated a task by a licensed registered nurse as the division permits by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the standards of the profession.

(15) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-31b-502 and as the division may define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Repealed and Re-enacted by Chapter 96, 2026 General Session

58-31b-103 Nurse Education and Enforcement Account.

(1) There is created a restricted account within the General Fund known as the "Nurse Education and Enforcement Account."

(2) The restricted account shall consist of:
(a) administrative penalties imposed under Section 58-31b-503; and
(b) interest earned on money in the account.

(3) Money in the account may be appropriated by the Legislature for the following purposes:
(a) education and training of licensees or potential licensees under this chapter;
(b) enforcement of this chapter by:
(i) investigating unprofessional or unlawful conduct;
(ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct; and
(iii) monitoring compliance of renewal requirements;
(c) survey nursing education programs throughout the state;
(d) education and training of board members; and
(e) establish and review approved education programs.

Amended by Chapter 96, 2026 General Session

Part 2
Board

58-31b-201 Board.

(1) There is created the Board of Nursing and Certified Nurse Midwives that consists of the following members:
  (a) five nurses in a manner as may be further defined in division rule;
  (b) two nurse midwives as defined in Section 58-44a-102; and
  (c) two members of the public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The board shall:
  (a) carry out the duties and responsibilities described in Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 44a, Nurse Midwife Practice Act; and
  (b) recommend to the division minimum standards for educational programs qualifying a person for licensure or certification under this chapter and Chapter 44a, Nurse Midwife Practice Act;
  (c) recommend to the division denial, approval, or withdrawal of approval regarding educational programs that meet or fail to meet the established minimum standards; and
  (d) designate one of its members on a permanent or rotating basis to:
    (i) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 44a, Nurse Midwife Practice Act; and
    (ii) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3)(d), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 507, 2024 General Session

Part 3
Licensing

58-31b-301 License required -- Classifications.

(1) Except as provided in Sections 58-1-307 and 58-31b-308, a license is required to engage in the practice of nursing.
(2) The division shall issue to an individual who qualifies under this chapter a license or certification in the classification of:
  (a) advanced practice registered nurse;
  (b) advanced practice registered nurse - certified registered nurse anesthetist with prescriptive authority;
  (c) advanced practice registered nurse - without prescriptive practice license;
  (d) advanced practice registered nurse intern;
  (e) medication aide certified;
  (f) practical nurse;
  (g) registered nurse; or
  (h) registered nurse apprentice.
(3)
  (a)
    (i) The division shall issue an advanced practice registered nurse - without prescriptive practice license to an individual holding an advanced practice registered nurse license as of July

1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics.

(ii) The division shall issue an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license to an individual holding an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license as of July 1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics.

(b)

(i) An individual who has an advanced practice registered nurse - without prescriptive practice license may not prescribe medication.

(ii) An individual who has an advanced practice registered nurse - CRNA without prescriptive practice license may not prescribe medication.

(4) The division shall grant an advanced practice registered nurse license to a licensed advanced practice registered nurse currently holding prescriptive authority under a predecessor act.

Amended by Chapter 96, 2026 General Session

58-31b-302 Qualifications for licensure -- Scope of practice -- Criminal background checks.

(1)

(a) Each applicant for licensure under this chapter, except an applicant under Subsection 58-31b-301(2)(e), shall:

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet the standards that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, related to the criminal background check described in Section 58-1-301.5; and

(iii) disclose the criminal history the division requests on a form the division approves.

(b) If an individual has been charged with 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 act upon the license as required under Section 58-1-401.

(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 Administrative Rulemaking Act;

(ix) meet with the board, if the board requests, to determine the applicant's qualifications for licensure.

(b) A licensed advanced practice registered nurse may:

(i) maintain and promote health and prevention of disease;

(ii) diagnose, treat, correct, consult, and provide a referral;

(iii) prescribe or administer prescription drugs or devices, including:

(A) local anesthesia; and

(B) Schedule II-V controlled substances in accordance with Section 58-31b-803;

(iv) if a licensed advanced practice registered nurse - certified registered nurse anesthetist, engage in the practice of nurse anesthesia;

(v) engage in other activities that are within the practice of advanced practice registered nursing as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(A) within the generally recognized scope and standards of advanced practice registered nursing; and

(B) consistent with professionally recognized preparation and education standards of an advanced practice registered nurse.

(c) Notwithstanding Sections 58-67-805 and 58-68-805, authorization to treat under this section includes performing minor surgical procedures.

(d) The division may only define an activity as within the practice of advanced practice registered nursing if:

(i) the activity is:

(A) within the generally recognized scope of practice for a licensed advanced practice registered nurse; and

(B) consistent with professionally recognized standards; or

(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
(B) is in a regulated long-term care facility;
(ii) administer a routine medication to a patient in accordance with a formulary and protocol the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) engage in other activities that are within the practice of a medication aide certified as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(A) within the generally recognized scope and standards of a medication aide certified; and
(B) consistent with professionally recognized preparation and education standards of a medication aide certified.
(c) The division may only define an activity as within the practice of a medication aide certified if:
(i) the activity is:
(A) within the generally recognized scope of practice for a medication aide certified; and
(B) consistent with professionally recognized standards; or
(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.
(d) A medication aide certified may not assist a resident of a long-term care facility to self-administer a medication that the Department of Health and Human Services regulates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4)
(a) An applicant for licensure as a licensed practical nurse shall:
(i) submit to the division an application in a form the division approves;
(ii) pay to the division a fee determined under Section 63J-1-504;
(iii) have a high school diploma or the equivalent;
(iv) have the physical and mental health to safely perform the activities described in Subsection (4)(b);
(v) have completed an approved education program for practical nursing or an equivalent that the board approves;
(vi) 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
(vii) meet with the board, if requested, to determine the applicant's qualifications for licensure.
(b) A licensed practical nurse may, while under the direction of a licensed registered nurse, licensed physician, or other health care professional the division specifies by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(i) contribute to the assessment of the health status of a patient;
(ii) participate in the development and modification of the strategy of care;
(iii) implement appropriate aspects of the strategy of care;
(iv) maintain safe and effective nursing care rendered to a patient directly or indirectly;
(v) participate in the evaluation of responses to interventions;
(vi) perform other activities that are within the generally recognized scope of practice of a licensed practical nurse as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(vii) engage in practice of practical nursing, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:
(A) within the generally recognized scope and standards of practical nursing; and
(B) consistent with professionally recognized preparation and education standards of a practical nurse.
(c) The division may only define an activity as within the practice of practical nursing if:
(i) the activity is:
(A) within the generally recognized scope of practice for a licensed practical nurse; and
(B) consistent with professionally recognized standards; or
(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.
(5)
(a) An applicant for licensure as a registered nurse shall:
(i) submit to the division an application form the division approves;
(ii) pay to the division a fee determined under Section 63J-1-504;
(iii) have a high school diploma or the equivalent;
(iv) have the physical and mental health to safely perform the activities described in Subsection (5)(b);
(v) complete an approved education program for registered nursing that the division approves;
(vi) 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
(vii) meet with the board, if the board requests, to determine the applicant's qualifications for licensure.

(b) A licensed registered nurse may:
(i) assess the health status of a patient;
(ii) identify health care needs;
(iii) establish goals to meet identified health care needs;
(iv) plan a strategy of care;
(v) prescribe nursing interventions to implement the strategy of care;
(vi) implement the strategy of care;
(vii) render safe and effective nursing care to a patient directly or indirectly;
(viii) evaluate responses to nursing interventions;
(ix) teach the theory and practice of nursing;
(x) manage and supervise the practice of nursing; and
(xi) engage in other activities that are within the practice of a licensed registered nurse as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:
(A) within the generally recognized scope and standards of registered nursing; and
(B) consistent with professionally recognized preparation and education standards of a registered nurse.
(c) The division may only define an activity as within the practice of a licensed registered nurse if:
(i) the activity is:
(A) within the generally recognized scope of practice for a licensed registered nurse; and
(B) consistent with professionally recognized standards; or
(ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.

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

Repealed and Re-enacted by Chapter 96, 2026 General Session

58-31b-303 Qualifications for licensure -- Graduates of nonapproved nursing programs.

An applicant for licensure as a practical nurse or registered nurse who is a graduate of a nursing education program not approved by the division in collaboration with the board must comply with the requirements of this section.

(1) An applicant for licensure as a licensed practical nurse shall:
  (a) meet all requirements of Subsection 58-31b-302(4), except Subsection 58-31b-302(4)(v); and
  (b) produce evidence acceptable to the division and the board that the nursing education program completed by the applicant is equivalent to the minimum standards established by the division in collaboration with the board for an approved licensed practical nursing education program.

(2) An applicant for licensure as a registered nurse shall:
  (a) meet all requirements of Subsection 58-31b-302(5), except Subsection 58-31b-302(5)(iii); and
  (b)
    (i) pass an examination the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, demonstrating knowledge of the practice, skills, theory, and professional ethics related to nursing; or
    (ii) produce evidence acceptable to the division and the board that the applicant is currently licensed as a registered nurse in one of the states, territories, or the District of Columbia of the United States or in Canada and has passed the NCLEX-RN examination in English.

Amended by Chapter 64, 2026 General Session

58-31b-304 Qualifications for admission to the examinations.

(1) To be admitted to the examinations required for certification as a medication aide certified, an individual shall:
  (a) submit an application on a form the division approves;
  (b) pay a fee as determined by the division under Section 63J-1-504; and
  (c) meet all requirements of Subsection 58-31b-302(3)(a), except Subsection (3)(a)(ix).

(2) To be admitted to the examinations required for licensure as a practical nurse, an individual shall:
  (a) submit an application on a form the division approves;
  (b) pay a fee as determined by the division under Section 63J-1-504; and
  (c) meet all requirements of Subsection 58-31b-302(4)(a), except Subsection (4)(a)(vi).

(3) To be admitted to the examinations required for licensure as a registered nurse, an individual shall:
  (a) submit an application on a form the division approves;
  (b) pay a fee as determined by the division under Section 63J-1-504; and
  (c) meet all the requirements of Subsection 58-31b-302(5)(a), except Subsection(5)(a)(vi).

Amended by Chapter 96, 2026 General Session

58-31b-305 Term of license -- Expiration -- Renewal.

(1)
  (a) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.

(2) The division shall renew the license of a licensee who, at the time of renewal:

(a) completes and submits an application for renewal in a form prescribed by the division;

(b) pays a renewal fee established by the division under Section 63J-1-504;

(c) views a suicide prevention video described in Section 58-1-601 and submits proof in the form required by the division; and

(d) meets continuing competency requirements as established by rule.

(3) In addition to the renewal requirements under Subsection (2), a person licensed as an advanced practice registered nurse shall be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

(4) In addition to the requirements described in Subsections (2) and (3), an advanced practice registered nurse licensee specializing in psychiatric mental health nursing who, as of the day on which the division originally issued the licensee's license had not completed the division's clinical practice requirements in psychiatric and mental health nursing, shall, to qualify for renewal:

(a) if renewing less than two years after the day on which the division originally issued the license, demonstrate satisfactory progress toward completing the clinical practice requirements; or

(b) have completed the clinical practice requirements.

(5) Each license or certification automatically expires on the expiration date shown on the license or certification unless renewed in accordance with Section 58-1-308.

Amended by Chapter 392, 2025 General Session

58-31b-306 APRN intern license.

(1)

(a) The division may issue an APRN intern license to a person who meets all qualifications for a license as an advanced practice registered nurse under this chapter, except for the passing of required examinations, if the applicant:

(i) is a graduate of an approved nursing education program within the year immediately preceding application for an intern license;

(ii) has never before taken the examinations; and

(iii) submits to the division evidence of having secured employment conditioned upon issuance of the APRN intern license, and the employment is under the supervision of an advanced practice registered nurse or physician as defined by division rule.

(b) An APRN intern license issued under Subsection (1)(a) expires on the earlier of:

(i) a date following a period established by division rule;

(ii) the date upon which the division receives notice from the examination agency that the individual failed to take or pass the examinations upon notification to the applicant; or

(iii) the date upon which the division issues the individual an APRN license.

(2) An applicant specializing in psychiatric mental health nursing may be issued an APRN intern license upon completion of all licensure requirements, except for the passing of required examinations and completion of required clinical practice hours.

(3)

(a) The division may issue an APRN intern license to a person who meets all qualifications for a license as an advanced practice registered nurse under this chapter, except course work in patient assessment or pharmacotherapeutics, if that applicant:
(i) is licensed in good standing as an advanced practice registered nurse in another state or jurisdiction; and
(ii) submits to the division evidence of having secured employment conditioned upon issuance of the APRN intern license, and the employment is under the supervision of an advanced practice registered nurse or physician as defined by division rule.
(b) An APRN intern license issued under Subsection (3)(a) expires on the earlier of:
(i) a date following a period established by division rule; or
(ii) the date upon which the division issues the individual a regular license.

Enacted by Chapter 288, 1998 General Session

58-31b-306.1 Registered nurse apprentice license.

(1) The division shall issue a registered nurse apprentice license to an individual who meets the qualifications under Subsection 58-31b-302(6).
(2) Unless the division extends the license for a specified period of time by written notification provided to the individual, the license expires on the earlier of:
(a) one year from the day on which the license is issued;
(b) 75 days after the day on which the division receives notice from the examination agency that the individual failed to take or pass the examinations described in Subsection 58-31b-302(5)(a)(vi); or
(c) the day on which the division issues the individual a license as a registered nurse.
(3) A license described in Subsection (1) is:
(a) valid only in Utah; and
(b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.
(4) The division may make rules to administer the license described in Subsection (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 96, 2026 General Session

58-31b-308 Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included within the definition of the practice of nursing, subject to the stated circumstances and limitations, without being licensed under this chapter:
(a) friends, family members, foster parents, or legal guardians of a patient performing gratuitous nursing care for the patient;
(b) persons providing care in a medical emergency;
(c) persons engaged in the practice of religious tenets of a church or religious denomination; and
(d) after July 1, 2000, a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensure Compact - Revised to the extent permitted by Section 58-31e-102.
(2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section 58-31e-102, limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensing Compact.

Amended by Chapter 136, 2019 General Session

58-31b-308.1 Delegation of nursing care by a responsible caregiver.

(1) As used in this section:
(a) "Patient" means an individual who is receiving nursing care from a responsible caregiver.
(b) "Responsible caregiver" means a patient's spouse, adult child, parent, foster parent, or legal guardian who is primarily responsible for providing nursing care to the patient.
(c) "Unlicensed direct care worker" means any unlicensed individual, regardless of title, who is 18 years of age or older and to whom a responsible caregiver delegates under this section.
(2) A responsible caregiver may delegate to an unlicensed direct care worker the performance of nursing care for a patient if:
(a) the nursing care is provided to the patient at the residence in which the patient and responsible caregiver regularly reside;
(b) the patient's condition is stable;
(c) the responsible caregiver routinely provides the nursing care for the patient;
(d) the nursing care is considered routine care for the patient; and
(e) performance of the nursing care:
(i) poses little potential hazard for the patient; and
(ii) is generally expected to produce a predictable outcome for the patient.
(3) Before an unlicensed direct care worker may perform nursing care delegated under Subsection (2), the responsible caregiver shall train the unlicensed direct care worker to perform the nursing care and verify the unlicensed direct care worker is able to competently perform the nursing care for the patient after training is complete.

Enacted by Chapter 314, 2020 General Session

58-31b-309 Continuing education.

(1) The division in collaboration with the board may establish continuing education requirements for each classification of nurse licensure.
(2) The division may discriminate between classifications of licensure with respect to continuing education requirements upon finding the continuing education requirements are necessary to reasonably protect the public health, safety, or welfare.

Enacted by Chapter 288, 1998 General Session

Part 4
License Denial and Discipline

58-31b-401 Grounds for denial of licensure or certification and disciplinary proceedings.

(1)
(a) As used in this section, "licensed" or "license" includes certified or certification under this chapter.
(b) A term or condition applied to the word "nurse" under this section applies to a medication aide certified.
(2) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

(3)
(a)
(i) Subject to Subsection (7), if a court of competent jurisdiction determines a nurse is incapacitated as defined in Section 75-1-201 or that the nurse has a mental illness, as defined in Section 26B-5-301, and is unable to safely engage in the practice of nursing, the director shall immediately suspend the license of the nurse upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending.
(ii) The director shall promptly notify the nurse in writing of a suspension under Subsection (3)(a)(i).
(b)
(i) Subject to Subsection (7), if the division and the majority of the board find reasonable cause to believe a nurse who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing nursing with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the nurse with a notice of hearing on the sole issue of the capacity of the nurse to competently, safely engage in the practice of nursing.
(ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.
(4)
(a) Every nurse who accepts the privilege of being licensed under this chapter gives consent to:
(i) submitting to an immediate mental or physical examination, at the nurse's expense and by a division-approved practitioner selected by the nurse when directed in writing by the division and a majority of the board to do so; and
(ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.
(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:
(i) the nurse has a mental illness, is incapacitated, or otherwise unable to practice nursing with reasonable skill and safety; and
(ii) immediate action by the division and the board is necessary to prevent harm to the nurse's patients or the general public.
(c)
(i) Failure of a nurse to submit to the examination ordered under this section is a ground for the division's immediate suspension of the nurse's license by written order of the director.
(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the nurse and was not related directly to the illness or incapacity of the nurse.
(5)
(a) A nurse whose license is suspended under Subsection (3) or (4)(c) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.
(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the nurse's patients or the general public.

(6) A nurse whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the nurse, under procedures established by division rule, regarding any change in the nurse's condition, to determine whether:
  (a) the nurse is or is not able to safely and competently engage in the practice of nursing; and
  (b) the nurse is qualified to have the nurse's license to practice under this chapter restored completely or in part.
(7) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.
(8) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by Article VII of the Nurse Licensure Compact - Revised in Section 58-31e-102.

Amended by Chapter 329, 2023 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-31b-501 Unlawful conduct.

"Unlawful conduct" includes:
(1) using the following titles, names or initials, if the user is not properly licensed or certified under this chapter:
  (a) nurse;
  (b) licensed practical nurse, practical nurse, or L.P.N.;
  (c) medication aide certified, or M.A.C.;
  (d) registered nurse or R.N.;
  (e) registered nurse practitioner, N.P., or R.N.P.;
  (f) registered nurse specialist, N.S., or R.N.S.;
  (g) registered psychiatric mental health nurse specialist;
  (h) advanced practice registered nurse;
  (i) nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.; or
  (j) other generally recognized names or titles used in the profession of nursing;
(2)
  (a) using any other name, title, or initials that would cause a reasonable person to believe the user is licensed or certified under this chapter if the user is not properly licensed or certified under this chapter; and
  (b) for purposes of Subsection (2)(a), it is unlawful conduct for a medication aide certified to use the term "nurse"; and
(3) conducting a nursing education program in the state for the purpose of qualifying individuals to meet requirements for licensure under this chapter without the program having been approved under Section 58-31b-601.

Amended by Chapter 291, 2006 General Session

58-31b-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes:

(a) failure to safeguard a patient's right to privacy as to the patient's person, condition, diagnosis, personal effects, or any other matter about which the licensee is privileged to know because of the licensee's or person with a certification's position or practice as a nurse or practice as a medication aide certified;

(b) failure to provide nursing service or service as a medication aide certified in a manner that demonstrates respect for the patient's human dignity and unique personal character and needs without regard to the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's health problem;

(c) engaging in sexual relations with a patient during any:

(i) period when a generally recognized professional relationship exists between the person licensed or certified under this chapter and the patient; or

(ii) extended period when a patient has reasonable cause to believe a professional relationship exists between the person licensed or certified under the provisions of this chapter and the patient;

(d)

(i) as a result of any circumstance under Subsection (1)(c), exploiting or using information about a patient or exploiting the licensee's or the person with a certification's professional relationship between the licensee or holder of a certification under this chapter and the patient; or

(ii) exploiting the patient by use of the licensee's or person with a certification's knowledge of the patient obtained while acting as a nurse or a medication aide certified;

(e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

(f) unauthorized taking or personal use of nursing supplies from an employer;

(g) unauthorized taking or personal use of a patient's personal property;

(h) unlawful or inappropriate delegation of nursing care;

(i) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;

(j) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;

(k) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;

(l) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by a court;

(m) failure to pay a penalty imposed by the division;

(n) violating Section 58-31b-801;

(o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

(p) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified under the provisions of this chapter is found guilty of a crime in connection with the violation;

(q) falsely making an entry in, or altering, a medical record with the intent to conceal:

(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or

(ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);

(r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(s) for an advance practice registered nurse, designating a child as do not resuscitate without parental consent.
(2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis.
(3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

Amended by Chapter 392, 2025 General Session

58-31b-503 Penalties and administrative actions for unlawful conduct and unprofessional conduct.
(1) Any person who violates the unlawful conduct provision specifically defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.
(2) Any person who violates any of the unlawful conduct provisions specifically defined in Subsections 58-1-501(1)(b) through (f) and 58-31b-501(1)(d) is guilty of a class A misdemeanor.
(3) Any person who violates any of the unlawful conduct provisions specifically defined in this chapter and not set forth in Subsection (1) or (2) is guilty of a class B misdemeanor.
(4)
(a) Subject to Subsection (6) and in accordance with Section 58-31b-401, for acts of unprofessional or unlawful conduct, the division may:
(i) assess administrative penalties; and
(ii) take any other appropriate administrative action.
(b) An administrative penalty imposed pursuant to this section shall be deposited into the "Nurse Education and Enforcement Account" as provided in Section 58-31b-103.
(5) If a licensee has been convicted of violating Section 58-31b-501 prior to an administrative finding of a violation of the same section, the licensee may not be assessed an administrative fine under this chapter for the same offense for which the conviction was obtained.
(6)
(a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-31b-401, 58-31b-501, or 58-31b-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
(i) promptly issue a citation to the person according to this chapter and any pertinent administrative rules;
(ii) attempt to negotiate a stipulated settlement; or

(iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b) Any person who is in violation of a provision described in Subsection (6)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding may:

(i) be assessed a fine in accordance with this Subsection (6) of up to $10,000 per single violation or up to $2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; and

(ii) in addition to or in lieu of the fine imposed under Subsection (6)(b)(i), be ordered to cease and desist from violating a provision described in Subsection (6)(a), or any rule or order issued with respect to a provision described in Subsection (6)(a).

(c) Except for an administrative fine and a cease and desist order, the licensure sanctions cited in Section 58-31b-401 may not be assessed through a citation.

(d) Each citation issued under this section shall:

(i) be in writing; and

(ii) clearly describe or explain:

(A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(B) that the recipient must notify the division in writing within 20 calendar days of service of the citation in order to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(C) the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation; and

(iii) be served upon any person upon whom a summons may be served:

(A) in accordance with the Utah Rules of Civil Procedure;

(B) personally or upon the person's agent by a division investigator or by any person specially designated by the director; or

(C) by mail.

(e) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest the citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with the citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(7)

(a) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 362, 2026 General Session

Part 6
Nursing Education Programs

58-31b-601 Minimum standards for nursing programs to qualify graduates -- Temporary approval to qualify graduates for licensure -- Minimum standards for medication aide training to qualify persons for certification.

(1) Except as provided in Subsections (2) and (3), to qualify as an approved education program for the purpose of qualifying graduates for licensure under this chapter, a nursing education program shall be accredited by an accrediting body for nursing education that is recognized by the United States Department of Education.

(2)

(a) The division, in consultation with the board, may approve a nursing education program for up to five years, for the purpose of qualifying graduates for licensure under this chapter, if the program:

(i) holds candidacy or is in the process of applying for candidacy for the accreditation described in Subsection (1);

(ii) has been denied initial accreditation after holding candidacy for the accreditation described in Subsection (1); or

(iii) is no longer accredited under Subsection (1); and

(b) has not previously received a term of approval granted by the division.

(3)

(a) For a nursing education program that has previously received a term of approval granted under Subsection (2), the division may reapprove the nursing education program for the purpose of qualifying graduates for licensure if:

(i) the reapproval is for a period that does not exceed five years; and

(ii) a minimum of 12 months has passed since the day on which the previous term of approval expired.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, in consultation with the board, shall make rules to implement Subsection (3)(a).

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter, the division shall make rules defining the minimum standards for a medication aide certified training program to qualify a person for certification under this chapter as a medication aide certified.

Amended by Chapter 382, 2022 General Session

Part 7
Immunity Provisions

58-31b-701 Immunity from liability.

A person licensed, registered, or certified under this chapter:

(1) who provides emergency care in accordance with Section 78B-4-501 is entitled to the immunity from civil liability provided under that section; and

(2) is considered a health care provider under Chapter 13, Health Care Providers Immunity from Liability Act, and is entitled to the immunity from civil liability provided under that chapter.

Amended by Chapter 3, 2008 General Session

58-31b-702 Reporting of disciplinary action -- Immunity from liability.

(1) A licensed health care facility or organization or a professional society of nurses in the state that takes disciplinary action against an individual licensed under this chapter relating to any of the following, shall report the action in writing to the division within 30 days after the action is taken:
  (a) that individual's professional acts or omissions as a licensed nurse;
  (b) that individual's nursing competence or ability to practice nursing safely; or
  (c) that individual's use of alcohol or drugs in an unlawful manner or to the extent the individual is impaired in the ability to practice nursing safely.
(2) Any person or organization furnishing information in accordance with this section is immune from liability to the extent that the information is furnished in good faith and without malice.

Amended by Chapter 64, 2026 General Session

58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct.

(1) As used in this section:
  (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
  (b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.
  (c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
  (d)
    (i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
    (ii) "Opiate antagonist" includes an expired opiate antagonist.
  (e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
  (f) "Prescribe" means the same as that term is defined in Section 58-17b-102.
(2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
  (a) in a good faith effort to assist:
    (i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
    (ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
  (b) to an overdose outreach provider pursuant to Section 26B-4-509.
(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

Part 8
Practice Standards

58-31b-801 Practice within limits of competency.

(1) Each person licensed under this chapter is responsible for confining the person's practice as a nurse to those acts and practices permitted by law.

(2) A person licensed under this act may not engage in any act or practice for which the person is not competent.

Amended by Chapter 302, 2025 General Session

58-31b-802 Consumer access to provider charges.

Beginning January 1, 2011, a nurse whose license under this chapter authorizes independent practice shall, when requested by a consumer:

(1) make a list of prices charged by the nurse available for the consumer which includes the nurse's 25 most frequently performed:
  (a) clinic procedures or clinic services;
  (b) out-patient procedures; and
  (c) in-patient procedures; and

(2) provide the consumer with information regarding any discount available for:
  (a) services not covered by insurance; or
  (b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-31b-803 Advanced practice registered nurse prescriptive authority.

(1) Subject to Subsection (2), a licensed advanced practice registered nurse may prescribe or administer a prescription drug including, a Schedule II-V controlled substance.

(2) A licensed advanced practice registered nurse - certified registered nurse anesthetist in accordance with Subsection 58-31b-302(2) may prescribe only as follows:
  (a) up to a five-day supply of prescription drugs including, Schedule II-V controlled substances immediately before a procedure performed in a health care facility, as that term is defined in Section 26B-2-201, a private physician office, or a dental office, if:
    (i) the prescribed drug is not ketamine;
    (ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist will participate in the procedure;
    (iii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has established a patient record for the patient receiving the prescription; and
    (iv) the prescribed drug is related to the procedure; or
  (b) up to a five-day supply of prescription drugs including, Schedule II-V controlled substances immediately following a procedure performed in a health care facility, as that term is defined in Section 26B-2-201, a private physician office, or a dental office, if:
    (i) the prescribed drug is not ketamine;
    (ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist participated in the procedure;
    (iii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has established a patient record for the patient receiving the prescription; and

(iv) the prescribed drug is related to the procedure.

Amended by Chapter 96, 2026 General Session

Chapter 31d
Advanced Practice Registered Nurse Compact

58-31d-101 Advanced Practice Registered Nurse Compact.

The Advanced Practice Registered Nurse Compact is hereby enacted and entered into with all other jurisdictions that legally join in the compact, which is, in form, substantially as follows:

ARTICLE I

Findings and Declaration of Purpose

(1)

The party states find that:

(a) the health and safety of the public are affected by the degree of compliance with APRN licensure requirements and the effectiveness of enforcement activities related to State APRN licensure laws;

(b)

violations of APRN licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(c)

the expanded mobility of APRNs and the use of advanced communication and intervention technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of APRN licensure and regulation;

(d)

new practice modalities and technology make compliance with individual state APRN licensure laws difficult and complex;

(e)

the current system of duplicative APRN licensure for APRNs practicing in multiple states is cumbersome and redundant for healthcare delivery systems, payors, state licensing boards, regulators and APRNs; and

(f)

uniformity of APRN licensure requirements throughout the states promotes public safety and public health benefits as well as providing a mechanism to increase access to care, particularly in rural and underserved areas.

(2)

The general purposes of this compact are to:

(a) facilitate the states' responsibilities to protect the public's health and safety;

(b)

ensure and encourage the cooperation of party states in the areas of APRN licensure and regulation, including promotion of uniform licensure requirements;

(c)

facilitate the exchange of information between party states in the areas of APRN regulation, investigation, and adverse actions;

(d)

promote compliance with the laws governing APRN practice in each jurisdiction;

(e)

invest all party states with the authority to hold an APRN accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state privileges to practice;

(f)

decrease redundancies in the consideration and issuance of APRN licenses; and

(g)

provide opportunities for interstate practice by APRNs who meet uniform licensure requirements.

ARTICLE II

Definitions

As used in this compact:

(1) "Advanced practice registered nurse" or "APRN" means a registered nurse who has gained additional specialized knowledge, skills, and experience through a program of study recognized or defined by the Interstate Commission of APRN Compact Administrators ("Commission") and who is licensed to perform advanced nursing practice. An advanced practice registered nurse is licensed in an APRN role that is congruent with an APRN educational program, certification, and Commission rules.

(2) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws, which is imposed by a licensing board or other authority against an APRN, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting an APRN's authorization to practice, including the issuance of a cease and desist action.

(3)

"Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

(4)

"APRN licensure" means the regulatory mechanism used by a party state to grant legal authority as an APRN.

(5)

"APRN uniform licensure/ requirements" means the minimum uniform licensure, education, and examination requirements set forth in Article III.2 of this Compact.

(6)

"Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on APRN licensure and enforcement activities related to APRN licensure laws that are administered by a nonprofit organization composed of and controlled by licensing boards.

(7)

"Current significant investigative information" means:

(a) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the APRN to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b)

investigative information that indicates that the APRN represents an immediate threat to public health and safety regardless of whether the APRN has been notified and had an opportunity to respond.

(8)

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board in connection with a disciplinary proceeding.

(9)

"Home state" means the party state that is the APRN's primary state of residence.

(10)

"Licensing board" means a party state's regulatory body responsible for regulating the practice of advanced practice registered nursing.

(11)

"Multistate license" means an APRN license to practice as an APRN issued by a home state licensing board that authorizes the APRN to practice as an APRN in all party states under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state.

(12)

"Non-controlled prescription drug" means a device or drug that is not a controlled substance and is prohibited under state or federal law from being dispensed without a prescription. The term includes a device or drug that bears or is required to bear the legend "Caution: federal law prohibits dispensing without prescription" or "prescription only" or other legend that complies with federal law.

(13)

"Party state" means any state that has adopted this compact.

(14)

"Population focus" means one of the six population foci of family/individual across the lifespan, adult-gerontology, pediatrics, neonatal, women's health/gender-related and psych/mental health.

(15)

"Prescriptive authority" means the legal authority to prescribe medications and devices as defined by party state laws.

(16)

"Remote state" means a party state that is not the home state.

(17)

"Role" means one of the four recognized roles of certified registered nurse anesthetists (CRNA), certified nurse-midwives (CNM), clinical nurse specialists (CNS) and certified nurse practitioners (CNP).

(18)

"Single-state license" means an APRN license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(19)

"State" means a state, territory, or possession of the United States and the District of Columbia.

(20) (a)

"State practice laws" means a party state's laws, rules, and regulations that govern APRN practice, define the scope of advanced nursing practice, and create the methods and grounds for imposing discipline except that prescriptive authority shall be treated in accordance with Article III.1(d) of this Compact.

(b)

"State practice laws" do not include:

(i)

a party state's laws, rules, and regulations requiring supervision or collaboration with a healthcare professional, except for laws, rules, and regulations regarding prescribing controlled substances; or

(ii)
the requirements necessary to obtain and retain an APRN license, except for qualifications or requirements of the home state.

ARTICLE III

General Provisions and Jurisdiction

(1) (a)
A state must implement procedures for considering the criminal history records of applicants for initial APRN licensure or APRN licensure by endorsement.

(b)
Such procedures shall include the submission of fingerprints or other biometric-based information by APRN applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(2)
Each party state shall require an applicant to satisfy, the following APRN uniform licensure requirements to obtain or retain a multistate license in the home state:

(a) meeting the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws;

(b) (i)
has completed an accredited graduate-level education program that prepares the applicant for one of the four recognized roles and population foci; or

(ii)
has completed a foreign APRN education program for one of the four recognized roles and population foci that:

(A) has been approved by the authorized accrediting body in the applicable country; and

(B) has been verified by an independent credentials review agency to be comparable to a licensing board-approved APRN education program;

(c)
has, if a graduate of a foreign APRN education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;

(d)
has successfully passed a national certification examination that measures APRN, role and population-focused competencies and maintains continued competence as evidenced by recertification in the role and population focus through the national certification program;

(e)
holds an active, unencumbered license as a registered nurse and an active, unencumbered authorization to practice as an APRN;

(f)
has successfully passed an NCLEX-RN examination or recognized predecessor, as applicable;

(g)
has practiced for at least 2,080 hours as an APRN in a role and population focus congruent with the applicant's education and training. For purposes of this section, practice shall not include hours obtained as part of enrollment in an APRN education program;

(h)
has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information

from the Federal Bureau of Investigation and the agency responsible for retaining that state or, if applicable, foreign country's criminal records;

(i)

has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state, federal or foreign criminal law;

(j)

has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined by factors set forth in rules adopted by the Commission;

(k)

is not currently enrolled in an alternative program;

(l)

is subject to self-disclosure requirements regarding current participation in an alternative program; and

(m)

has a valid United States Social Security number.

(3)

An APRN issued a multistate license shall be licensed in an approved role and at least one approved population focus.

(4)

An APRN multistate license issued by a home state to a resident in that state will be recognized by each party state as authorizing the APRN to practice as an APRN in each party state, under a multistate licensure privilege, in the same role and population focus as the APRN is licensed in the home state.

(5)

Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-state license, except that an individual may apply for a single-state license, instead of a multistate license, even if otherwise qualified for the multistate license. However, the failure of such an individual to affirmatively opt for a single state license may result in the issuance of a multistate license.

(6)

Issuance of an APRN multistate license shall include prescriptive authority for non-controlled prescription drugs.

(7)

For each state in which an APRN seeks authority to prescribe controlled substances, the APRN shall satisfy all requirements imposed by such state in granting and/or renewing such authority.

(8) (a)

An APRN issued a multistate license is authorized to assume responsibility and accountability for patient care independent of any supervisory or collaborative relationship.

(b)

This authority may be exercised in the home state and in any remote state in which the APRN exercises a multistate licensure privilege.

(9) (a)

All party states shall be authorized, in accordance with state due process laws, to take adverse action against an APRN's multistate licensure privilege such as revocation, suspension, probation or any other action that affects an APRN's authorization to practice under a multistate licensure privilege, including cease and desist actions.

(b)

If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system.

(c)

The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(10) (a)

Except as otherwise expressly provided in this Compact, an APRN practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided.

(b)

APRN practice is not limited to patient care, but shall include all advanced nursing practice as defined by the state practice laws of the party state in which the client is located.

(c)

APRN practice in a party state under a multistate licensure privilege will subject the APRN to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

(11)

Except as otherwise expressly provided in this Compact, this Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as satisfying any state law requirement for registered nurse licensure as a precondition for authorization to practice as an APRN in that state.

(12)

Individuals not residing in a party state shall continue to be able to apply for a party state's single-state APRN license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice as an APRN in any other party state.

ARTICLE IV

Applications for APRN Licensure in a Party State

(1) Upon application for an APRN multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held or is the holder of a licensed practical/vocational nursing license, a registered nursing license or an advanced practice registered nursing license issued by another state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against a license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

(2) An APRN may hold a multistate APRN license issued by the home state, in only one party state at a time.

(3) If an APRN changes primary state of residence by moving between two party states, the APRN must apply for APRN licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable Commission rules.

(a) The APRN may apply for licensure in advance of a change in primary state of residence.

(b) A multistate APRN license shall not be issued by the new home state until the APRN provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate APRN license from the new home state.

(4) When an APRN changes primary state of residence by moving from a party state to a non-party state, the APRN multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

Additional Authorities Invested in Party State Licensing Boards

(1) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(a) Take adverse action against an APRN's multistate licensure privilege to practice within that party state.

(i) Only the home state shall have the power to impose adverse action against the APRN license issued by the home state.

(ii)

For purposes of imposing adverse action, the home state licensing board shall give the same priority and effect to reported conduct that occurred outside the home state as it would if that conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

(b) Issue cease and desist orders or impose an encumbrance on an APRN's authority to practice within that party state.

(c)

Complete any pending investigations of an APRN who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(d)

Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as, the production of evidence in accordance with the following:(i)

Subpoenas issued by a party state licensing board for the attendance and testimony of witnesses, and/or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the court's practice and procedure in considering subpoenas issued in its own proceedings.

(ii)

The issuing licensing board shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses and/or evidence are located;

(e)

Obtain and submit, for an APRN licensure applicant, fingerprints or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decision.

(f)

If otherwise permitted by state law, recover from the affected APRN the costs of investigations and disposition of cases resulting from any adverse action taken against that APRN.

(g)

Take adverse action based on the factual findings of another party state, provided that the licensing board follows its own procedures for taking such adverse action.

(2) (a)

If adverse action is taken by a home state against an APRN's multistate licensure, the privilege to practice in all other party states under a multistate licensure privilege shall be deactivated until all encumbrances have been removed from the APRN's multistate license.

(b)

All home state disciplinary orders that impose adverse action against an APRN's multistate license shall include a statement that the APRN's multistate licensure privilege is deactivated in all party states during the pendency of the order.

(3) (a)

Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action.

(b)

The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any APRN for the duration of the APRN's participation in an alternative program.

ARTICLE VI

Coordinated Licensure Information System and Exchange of Information

(1) All party states shall participate in a coordinated licensure information system of all APRNs, licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each APRN, as submitted by party states, to assist in the coordinated administration of APRN licensure enforcement efforts.

(2)

The Commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.

(3)

All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (reason for such denials) and APRN participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic and/or confidential under state law.

(4)

Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

(5)

Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(6)

Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(7)

The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum:

(a) identifying information;

(b) licensure data;

(c)
information related to alternative program participation information; and
(d)
other information that may facilitate the administration of this Compact, as determined by Commission rules.
(8) The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.
ARTICLE VII
Establishment of the Interstate Commission of APRN Compact Administrators
(1) The party states hereby create and establish a joint public agency known as the Interstate Commission of APRN Compact Administrators.
(a) The Commission is an instrumentality of the party states.
(b) Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
(c)
Nothing in this Compact shall be construed to be a waiver of sovereign immunity.
(2) Membership, Voting and Meetings
(a) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.
(b) Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.
(c) The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.
(d)
All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.
(e)
The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:
(i)
noncompliance of a party state with its obligations under this Compact;
(ii)
the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
(iii)
current, threatened, or reasonably anticipated litigation;
(iv)
negotiation of contracts for the purchase or sale of goods, services or real estate;
(v)
accusing any person of a crime or formally censuring any person;

(vi)
disclosure of trade secrets or commercial or financial information that is privileged or confidential;
(vii)
disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
(viii)
disclosure of investigatory records compiled for law enforcement purposes;
(ix)
disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or
(x)
matters specifically exempted from disclosure by federal or state statute.
(f)
If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.
(3) The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including but not limited to:
(a) establishing the fiscal year of the Commission;
(b)
providing reasonable standards and procedures:
(i)
for the establishment and meetings of other committees; and
(ii)
governing any general or specific delegation of any authority or function of the Commission.
(c) (i)
Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
(ii)
The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part.
(iii)
As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
(d)
Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
(e) (i)
Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission.

(ii)
Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

(f)
Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment and/or reserving of all of its debts and obligations;

(4) The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission;

(5) The Commission shall maintain its financial records in accordance with the bylaws;

(6) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

(7) The Commission shall have the following powers:

(a) to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states;

(b) to bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(c) to purchase and maintain insurance and bonds;

(d) to borrow, accept or contract for services of personnel, including but not limited to employees of a party state or nonprofit organizations;

(e) to cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources;

(f) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(g)
to accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

(h)
to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

(i)
to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

(j)
to establish a budget and make expenditures;

(k)
to borrow money;

(l)
to appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

(m)
to issue advisory opinions;
(n)
to provide and receive information from, and to cooperate with, law enforcement agencies;
(o)
to adopt and use an official seal; and
(p)
to perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact, consistent with the state regulation of APRN licensure and practice.
(8) Financing of the Commission
(a) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
(b) (i)
The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year.
(ii)
The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.
(c)
The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such party state.
(d)
The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.
(9) Qualified Immunity, Defense, and Indemnification
(a)
The administrators, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.
(b)
The Commission shall defend any administrator, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.
(c)

The Commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII

Rulemaking

(1) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

(2) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(3) Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

(a) on the website of the Commission; and

(b) on the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

(4) The notice of proposed rulemaking shall include:

(a) the proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(b) the text of the proposed rule or amendment, and the reason for the proposed rule;

(c) a request for comments on the proposed rule from any interested person; and

(d)

the manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

(5) Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(6) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

(7) The Commission shall publish the place, time, and date of the scheduled public hearing.

(a) (i)

Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(ii)

All hearings will be recorded, and a copy will be made available upon request.

(b) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

(8) If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

(9) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

(10) The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(11) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) meet an imminent threat to public health, safety or welfare;

(b) prevent a loss of Commission or party state funds; or

(c) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(12) The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE IX

Oversight, Dispute Resolution and Enforcement

(1) Oversight

(a) Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.

(b) The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the Commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

(2) Default, Technical Assistance and Termination

(a) If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

(i) provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

(ii) provide remedial training and specific technical assistance regarding the default.

(b) (i) If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination.

(ii) A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) (i) Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted.

(ii) Notice of intent to suspend or terminate shall be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board, the defaulting state's licensing board, and each of the party states.

(d) A state whose membership in this Compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The Commission shall not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated, unless agreed upon in writing between the Commission and the defaulting state.

(f) (i) The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district in which the Commission has its principal offices.

(ii) The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) Dispute Resolution

(a) Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arises among party states and between party and non-party states.

(b) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(c) In the event the Commission cannot resolve disputes among party states arising under this Compact:

(i) The party states may submit the issues in dispute to an arbitration panel, which will be composed of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

(ii) The decision of a majority of the arbitrators shall be final and binding.

(4) Enforcement

(a) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(b) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE X

Effective Date, Withdrawal and Amendment

(1) This Compact shall come into limited effect at such time as this Compact has been enacted into law in seven (7) party states for the sole purpose of establishing and convening the Commission to adopt rules relating to its operation.

(2) Any state that joins this Compact subsequent to the Commission's initial adoption of the APRN uniform licensure requirements shall be subject to all rules that have been previously adopted by the Commission.

(3) (a) Any party state may withdraw from this Compact by enacting a statute repealing the same.

(b) A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(4) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(5) Nothing contained in this Compact shall be construed to invalidate or prevent any APRN licensure agreement or other cooperative arrangement between a party state and a non-party state that does not conflict with the provisions of this Compact.

(6) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon any party state until it is enacted into the laws of all party states.

(7) Representatives of non-party states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

ARTICLE XI

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Repealed and Re-enacted by Chapter 438, 2022 General Session

58-31d-102 Division rulemaking.

(1) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement Section 58-31d-101.

(2) For purposes of Section 58-31d-101, "role" as defined in Article II(17) includes an individual who is:

(a) licensed to practice under Subsections 58-31b-301(2)(a) through (c); or

(b) licensed to practice under Section 58-44a-301.

(3) Notwithstanding any provision in Section 58-31d-101, Section 58-31d-101 does not supersede state law related to an individual's scope of practice under this title.

(4) Once the compact comes into effect as described in Section 58-31d-101, Article X(1), the division shall provide a notice that the compact is in effect:

(a) to an individual licensed under:

(i) Subsection 58-31b-301(2)(d) or (e);

(ii) Section 58-44a-301; and

(b) to the Health and Human Services Interim Committee; and

(c) on the division's website with information for potential applicants.

Amended by Chapter 96, 2026 General Session

Chapter 31e
Nurse Licensure Compact - Revised

58-31e-101 Title.

This chapter is known as the "Nurse Licensure Compact - Revised."

Enacted by Chapter 26, 2017 General Session

58-31e-102 Nurse Licensure Compact.

The Nurse Licensure Compact is hereby enacted and entered into with all other jurisdictions that legally join in the compact, which is in form, substantially as follows:

NURSE LICENSURE COMPACT

ARTICLE I

Findings and Declaration of Purpose

a. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

b. The general purposes of this Compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;

2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;

5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

6. Decrease redundancies in the consideration and issuance of nurse licenses; and

7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II

Definitions

As used in this Compact:

a. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation,

suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

b. "Alternative program" means a non-disciplinary monitoring program approved by a licensing board.

c. "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

d. "Current significant investigative information" means:

1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

e. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

f. "Home state" means the party state which is the nurse's primary state of residence.

g. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

h. "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

i. "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

j. "Nurse" means an RN or LPN/VN, as those terms are defined by each party state's practice laws.

k. "Party state" means any state that has adopted this Compact.

l. "Remote state" means a party state, other than the home state.

m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

n. "State" means a state, territory, or possession of the United States and the District of Columbia.

o. "State practice laws" means a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III

General Provisions and Jurisdiction

a. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall

include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

c. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

1. Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

2. i. Has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

ii. Has graduated from a foreign RN or LPN/VN prelicensure education program that (a) has been approved by the authorized accrediting body in the applicable country and (b) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

3. Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

4. Has successfully passed an NCLEX-RN or NCLEX-PN Examination or recognized predecessor, as applicable;

5. Is eligible for or holds an active, unencumbered license;

6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

9. Is not currently enrolled in an alternative program;

10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and

11. Has a valid United States social security number.

d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

f. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice

nursing in any other party state. Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-state license.

g. Any nurse holding a home state multistate license, on the effective date of this Compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

1. A nurse, who changes primary state of residence after this Compact's effective date, must meet all applicable Article III.c. requirements to obtain a multistate license from a new home state; and

2. A nurse who fails to satisfy the multistate licensure requirements in Article III.c. due to a disqualifying event occurring after this Compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("Commission").

ARTICLE IV

Applications for Licensure in a Party State

a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.

1. The nurse may apply for licensure in advance of a change in primary state of residence.

2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

d. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V

Additional Authorities Invested in Party State Licensing Boards

a. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.

i. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

ii. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions.

6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

b. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

c. Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

ARTICLE VI

Coordinated Licensure Information System and Exchange of Information

a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

b. The Commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this Compact.

c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials), and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

h. The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;

2. Licensure data;

3. Information related to alternative program participation; and

4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.

i. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII

Establishment of the Interstate Commission of Nurse Licensure Compact Administrators

a. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators.

1. The Commission is an instrumentality of the party states.

2. Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

b. Membership, Voting, and Meetings

1. Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article VIII.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

i. Noncompliance of a party state with its obligations under this Compact;

ii. The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees, or other matters related to the Commission's internal personnel practices and procedures;

iii. Current, threatened, or reasonably anticipated litigation;

iv. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

v. Accusing any person of a crime or formally censuring any person;

vi. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

vii. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

viii. Disclosure of investigatory records compiled for law enforcement purposes;

ix. Disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or

x. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

c. The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

i. For the establishment and meetings of other committees; and

ii. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission; and

6. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations.

d. The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission.

e. The Commission shall maintain its financial records in accordance with the bylaws.

f. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

g. The Commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space, or other resources;

6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

7. To accept any and all appropriate donations, grants, and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

9. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

10. To establish a budget and make expenditures;

11. To borrow money;

12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

13. To provide and receive information from, and to cooperate with, law enforcement agencies;

14. To adopt and use an official seal; and

15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of nurse licensure and practice.

h. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.

3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

i. Qualified Immunity, Defense, and Indemnification

1. The administrators, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

2. The Commission shall defend any administrator, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

3. The Commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

ARTICLE VIII

Rulemaking

a. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

c. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission; and

2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

d. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment, and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

e. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

f. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

g. The Commission shall publish the place, time, and date of the scheduled public hearing.

1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

h. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

j. The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

k. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or party state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

l. The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE IX

Oversight, Dispute Resolution, and Enforcement

a. Oversight

1. Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.

2. The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the Commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

b. Default, Technical Assistance, and Termination

1. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

i. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the Commission; and

ii. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

4. A state whose membership in this Compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

c. Dispute Resolution

1. Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arise among party states and between party and non-party states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. In the event the Commission cannot resolve disputes among party states arising under this Compact:

i. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

ii. The decision of a majority of the arbitrators shall be final and binding.

d. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against

a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE X

Effective Date, Withdrawal, and Amendment

a. This Compact, enacted in Title 58, Chapter 31e, Nurse Licensure Compact - Revised ("This Compact"), shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact, that also were parties to the prior Nurse Licensure Compact, enacted in Title 58, Chapter 31c, Nurse Licensure Compact, superseded by this Compact, ("Prior Compact"), shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

b. Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.

c. Any party state may withdraw from this Compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

e. Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

f. This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

g. Representatives of non-party states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

ARTICLE XI

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Enacted by Chapter 26, 2017 General Session

58-31e-103 Implementation and rulemaking authority.

(1) The term "head of the state licensing board," as used in Article VII b(1) of the Nurse Licensure Compact in Section 58-31e-102, means an individual who is an ex-officio member of the Board of Nursing and Certified Nurse Midwives created in Section 58-31b-201 and is appointed by the director to serve as the head of the state licensing board for purposes of Article VII b(1) of the Nurse Licensure Compact.
(2) The division may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to implement the provisions of this chapter.

Amended by Chapter 507, 2024 General Session

Chapter 37
Controlled Substances

Part 1
General Provisions

58-37-101 Definitions.
(1) As used in this chapter:
(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
(i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
(ii) the patient or research subject at the direction, and in the presence, of the practitioner.
(b)
(i) "Agent" means an authorized person that acts on behalf of, or at the direction of, a manufacturer, distributor, or practitioner.
(ii) "Agent" does not include a motor carrier or public warehouseman, or an employee of a motor carrier or public warehouseman.
(c) "Consumption" means ingesting or having any measurable amount of a controlled substance in an individual's body, but this Subsection (1)(c) does not include the metabolite of a controlled substance.
(d) "Control" means to add, remove, or change the placement of a drug, substance, or immediate precursor under Section 58-37-107.
(e)
(i) "Controlled substance" means a drug or substance:
(A) included in Schedules I, II, III, IV, or V of Section 58-37-108;
(B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513;
(C) that is a controlled substance analog; or
(D) listed in Section 58-37-109.
(ii) "Controlled substance" does not include:
(A) distilled spirits, wine, or malt beverages, as those terms are defined in Title 32B, Alcoholic Beverage Control Act;
(B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or

(C) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which:

(I) are not otherwise regulated by law; and

(II) may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(f)

(i) "Controlled substance analog" means:

(A) a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in Schedules I and II of Section 58-37-108, a substance listed in Section 58-37-109, or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513;

(B) a substance that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section 58-37-108, substances listed in Section 58-37-109, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513; or

(C) a substance that, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section 58-37-108, substances listed in Section 58-37-109, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513.

(ii) "Controlled substance analog" does not include:

(A) a controlled substance currently scheduled in Schedules I through V of Section 58-37-108;

(B) a substance for which there is an approved new drug application;

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent the conduct with respect to the substance is permitted by the exemption;

(D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;

(E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or

(F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(g)

(i) "Conviction" means a determination of guilt by verdict, whether jury or bench, or plea, whether guilty or no contest, for any offense proscribed by:

(A) this chapter;

(B) Chapter 37c, Controlled Substance Precursors;

(C) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;

(D) Title 76, Chapter 18, Part 3, Offenses Concerning Drug Paraphernalia;

(E) Title 76, Chapter 18, Part 4, Offenses Concerning Imitation Controlled Substances;

(F) Title 76, Chapter 18, Part 5, Clandestine Drug Labs; or
(G) a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in Subsections (1)(g)(i)(A) through (F); or
(ii) for any offense under the laws of the United States and any other state that, if committed in this state, would be an offense under Subsection (1)(g)(i).
(h) "Counterfeit substance" means:
(i) any controlled substance or container or labeling of any controlled substance that:
(A) without authorization bears the trademark, trade name, or other identifying mark, imprint, number, device, or any likeness of them, of a manufacturer, distributor, or dispenser other than the person that in fact manufactured, distributed, or dispensed the substance that falsely purports to be a controlled substance distributed by any other manufacturer, distributor, or dispenser; and
(B) a reasonable person would believe to be a controlled substance distributed by an authorized manufacturer, distributor, or dispenser based on the appearance of the substance as described under Subsection (1)(h)(i)(A) or the appearance of the container of that controlled substance; or
(ii) any substance other than under Subsection (1)(h)(i) that:
(A) is falsely represented to be any legally or illegally manufactured controlled substance; and
(B) a reasonable person would believe to be a legal or illegal controlled substance.
(i) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance or a listed chemical, regardless of whether an agency relationship exists.
(j) "Department" means the Department of Commerce.
(k) "Depressant or stimulant substance" means:
(i) a drug which contains any quantity of barbituric acid or any of the salts of barbituric acid;
(ii) a drug which contains any quantity of:
(A) amphetamine or any of its optical isomers;
(B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
(C) any substance that the secretary of Health and Human Services or the attorney general of the United States after investigation has found, and by regulation designated, habit-forming because of the substance's stimulant effect on the central nervous system;
(iii) lysergic acid diethylamide; or
(iv) any drug that contains any quantity of a substance that the secretary of Health and Human Services or the attorney general of the United States after investigation has found to have, and by regulation designated as having, a potential for abuse because of the substance's depressant or stimulant effect on the central nervous system or the substance's hallucinogenic effect.
(l) "Dispense" means the delivery of a controlled substance by a pharmacist to an ultimate user in accordance with the lawful order or prescription of a practitioner, and includes distributing to, leaving with, giving away, or disposing of that substance as well as the packaging, labeling, or compounding necessary to prepare the substance for delivery.
(m) "Dispenser" means a pharmacist who dispenses a controlled substance.
(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance or a listed chemical.
(o) "Distributor" means a person that distributes controlled substances.
(p) "Division" means the Division of Professional Licensing created in Section 58-1-103.
(q)
(i) "Drug" means:

(A) a substance recognized in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(B) a substance that is required by any applicable federal or state law or rule to be dispensed by prescription only or is restricted to administration by practitioners only;

(C) a substance other than food intended to affect the structure or any function of the body of humans or other animals; and

(D) substances intended for use as a component of any substance specified in Subsections (1)(q)(i)(A), (B), and (C).

(ii) "Drug" does not include dietary supplements.

(iii) "Drug" includes a food intended for human consumption that intentionally contains a vaccine or vaccine material as provided in Section 4-5-107.

(r) "Drug dependent person" means any individual who unlawfully and habitually uses any controlled substance to endanger the public morals, health, safety, or welfare, or who is so dependent upon the use of controlled substances as to have lost the power of self-control with reference to the individual's dependency.

(s)

(i) "Food" means:

(A) any nutrient or substance of plant, mineral, or animal origin other than a drug as specified in this chapter, and normally ingested by human beings; and

(B) foods for special dietary uses as exist by reason of a physical, physiological, pathological, or other condition including the conditions of disease, convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and overweight; uses for supplying a particular dietary need which exist by reason of age including the ages of infancy and childbirth, and also uses for supplementing and for fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for use of a food.

(ii) Any particular use of a food is a special dietary use regardless of the nutritional purposes.

(t) "Immediate precursor" means a substance that the attorney general of the United States has found to be, and by regulation designated as being, the principal compound used or produced primarily for use in the manufacture of a controlled substance, or that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(u) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

(v) "Manufacturer" includes any person that packages, repackages, or labels any container of any controlled substance, except pharmacists who dispense or compound prescription orders for delivery to the ultimate consumer.

(w)

(i) "Marijuana" means all species of the genus cannabis and all parts of the genus, whether growing or not, including:

(A) seeds;

(B) resin extracted from any part of the plant, including the resin extracted from the mature stalks;

(C) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, seeds, or resin;
(D) any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis that are chemically indistinguishable and pharmacologically active; and
(E) any component part or cannabinoid extracted or isolated from the plant, including extracted or isolated tetrahydrocannabinols.
(ii) "Marijuana" does not include:
(A) the mature stalks of the plant;
(B) fiber produced from the stalks;
(C) oil or cake made from the seeds of the plant;
(D) except as provided in Subsection (1)(w)(i), any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil or cake;
(E) the sterilized seed of the plant that is incapable of germination;
(F) any compound, mixture, or preparation approved by the federal Food and Drug Administration under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances in Section 58-37-108 or in the federal Controlled Substances Act, Title II, P.L. 91-513; or
(G) transportable industrial hemp concentrate as that term is defined in Section 4-41-102.
(x) "Money" means officially issued coin and currency of the United States or any foreign country.
(y) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
(i) opium, coca leaves, and opiates;
(ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
(iii) opium poppy and poppy straw; or
(iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the substance, which is chemically identical with any of the substances referred to in Subsection (1)(y)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or extracts of coca leaves that do not contain cocaine or ecgonine.
(z) "Negotiable instrument" means a document, containing an unconditional promise to pay a sum of money, that is legally transferable to another party by endorsement or delivery.
(aa) "Opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.
(bb) "Opium poppy" means the plant of the species papaver somniferum L., except the seeds of the plant.
(cc) "Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.
(dd) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
(ee) "Possession" or "use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of controlled substances and includes individual, joint, or group possession or use of controlled substances. For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of any substances with knowledge that the activity was occurring, or the controlled substance

is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over the controlled substance.

(ff) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

(gg) "Prescribe" means to issue a prescription:

(i) orally or in writing; or

(ii) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.

(hh) "Prescription" means an order issued:

(i) by a licensed practitioner, in the course of that practitioner's professional practice or by collaborative pharmacy practice agreement; and

(ii) for a controlled substance or other prescription drug or device for use by a patient or an animal.

(ii) "Production" means the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(jj) "Securities" means any stocks, bonds, notes, or other evidences of debt or of property.

(kk) "State" means the state of Utah.

(ll) "Ultimate user" means a person that lawfully possesses a controlled substance for the person's own use, for the use of a member of the person's household, or for administration to an animal owned by the person or a member of the person's household.

(2) If a term used in this chapter is not defined, the definition and terms of Title 76, Criminal Offenses, shall apply.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-102 Applicability of chapter -- Uniform construction.

(1)

(a) Prosecution for a violation of any law or offense occurring before January 1, 1972, is not affected by this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, provided, that sentences imposed after January 1, 1972, may not exceed the maximum terms specified and the judge has discretion to impose any minimum sentence.

(b) Civil seizures, forfeitures, and injunctive proceedings commenced before January 1, 1972, are not affected by this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(c)

(i) All administrative proceedings pending before any agency or court on January 1, 1972, shall be continued and brought to final determination in accordance with laws and regulations in effect before January 1, 1972.

(ii) Drugs placed under control before January 1, 1972, that are not listed within schedules I through V shall be automatically controlled and listed in the appropriate schedule without further proceedings.

(2) Neither this chapter nor Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, affects rights and duties that mature, penalties that are incurred, and proceedings that are begun before January 1, 1972.

(3) This chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, shall be construed to effectuate the general purpose to make uniform the law of those states that enact it where laws are similar to this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-103 Restrictions on less restrictive ordinances.

A legislative body of a political subdivision may not enact an ordinance that is less restrictive than any provision of:

(1) this chapter; or

(2) Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Enacted by Chapter 362, 2026 General Session

58-37-104 Severability.

If any provision, or the application of any provision to a person or circumstance, of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, is held invalid, the remainder of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, shall be given effect without the invalid provision or application.

Enacted by Chapter 362, 2026 General Session

58-37-105 Division responsibilities -- Licensing -- Records required.

(1)

(a) The division may adopt rules relating to the licensing and control of the manufacture, distribution, production, prescription, administration, dispensing, conducting of research with, and performing of laboratory analysis upon controlled substances within this state.

(b) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses under this chapter pursuant to Section 63J-1-504.

(2)

(a)

(i) Every person who manufactures, produces, distributes, prescribes, dispenses, administers, conducts research with, or performs laboratory analysis upon any controlled substance in Schedules I through V within this state, or who proposes to engage in manufacturing, producing, distributing, prescribing, dispensing, administering, conducting research with, or performing laboratory analysis upon controlled substances included in Schedules I through V within this state shall obtain a license issued by the division.

(ii)

(A) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.

(B) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.

(b) Persons licensed to manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon controlled substances in Schedules I through V within this state may possess, manufacture, produce, distribute, prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon

those substances to the extent authorized by their license and in conformity with this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(c) The following persons are not required to obtain a license and may lawfully possess controlled substances included in Schedules II through V under this section:

(i) an agent or employee, except a sales representative, of any registered manufacturer, distributor, or dispenser of any controlled substance, if the agent or employee is acting in the usual course of the agent or employee's business or employment; however, nothing in this subsection shall be interpreted to permit an agent, employee, sales representative, or detail man to maintain an inventory of controlled substances separate from the location of the person's employer's registered and licensed place of business;

(ii) a motor carrier or warehouseman, or an employee of a motor carrier or warehouseman, who possesses a controlled substance in the usual course of the person's business or employment; and

(iii) an ultimate user, or a person who possesses any controlled substance pursuant to a lawful order of a practitioner.

(d) The division may enact rules waiving the license requirement for certain manufacturers, producers, distributors, prescribers, dispensers, administrators, research practitioners, or laboratories performing analysis if waiving the license requirement is consistent with public health and safety.

(e) A separate license is required at each principal place of business or professional practice where the applicant manufactures, produces, distributes, dispenses, conducts research with, or performs laboratory analysis upon controlled substances.

(f) The division may enact rules providing for the inspection of a licensee or applicant's establishment, and may inspect the establishment according to those rules.

(3)

(a)

(i) Upon proper application, the division shall license a qualified applicant to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon controlled substances included in Schedules I through V, unless the division determines that issuance of a license is inconsistent with the public interest.

(ii) The division may not issue a license to any person to prescribe, dispense, or administer a Schedule I controlled substance except under Subsection (3)(a)(i).

(iii) In determining public interest under this Subsection (3)(a), the division shall consider whether the applicant has:

(A) maintained effective controls against diversion of controlled substances and any Schedule I or II substance compounded from any controlled substance into channels other than legitimate medical, scientific, or industrial channels;

(B) complied with applicable state and local law;

(C) been convicted under federal or state laws relating to the manufacture, distribution, or dispensing of substances;

(D) past experience in the manufacture of controlled dangerous substances;

(E) established effective controls against diversion; and

(F) complied with any other factors that the division establishes that promote the public health and safety.

(b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon controlled substances in Schedule I other than those specified in the license.

(c)

(i) A practitioner shall be licensed to administer, dispense, or conduct research with substances in Schedules II through V if the practitioner is authorized to administer, dispense, or conduct research under the laws of this state.

(ii) The division need not require a separate license for a practitioner engaging in research with nonnarcotic controlled substances in Schedules II through V where the licensee is already licensed under this chapter in another capacity.

(iii) With respect to research involving narcotic substances in Schedules II through V, or where the division by rule requires a separate license for research of nonnarcotic substances in Schedules II through V, a practitioner shall apply to the division before conducting research.

(iv) Licensing for purposes of bona fide research with controlled substances by a practitioner considered qualified may be denied only on a ground specified in Subsection (4), or upon evidence that the applicant will abuse or unlawfully transfer or fail to safeguard adequately the practitioner's supply of substances against diversion from medical or scientific use.

(v) A practitioner registered under federal law to conduct research in Schedule I substances may conduct research in Schedule I substances within this state upon providing the division with evidence of federal registration.

(d) Compliance by a manufacturer, producer, or distributor with the provisions of federal law respecting registration, excluding fees, entitles the manufacturer, producer, or distributor to be licensed under this chapter.

(e) The division shall initially license those persons who own or operate an establishment engaged in the manufacture, production, distribution, dispensation, or administration of controlled substances prior to April 3, 1980, and who are licensed by the state.

(4)

(a) Any license issued under Subsection (2) or (3) may be denied, suspended, placed on probation, or revoked by the division upon finding that the applicant or licensee has:

(i) materially falsified any application filed or required pursuant to this chapter;

(ii) been convicted of an offense under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of an offense described in this chapter or Title 76, Chapter 18, Offenses Concerning Controlled Substances, or any law of the United States, or any state, relating to any substance defined as a controlled substance;

(iii) been convicted of a felony under any other law of the United States or any state within five years of the date of the issuance of the license;

(iv) had a federal registration or license denied, suspended, or revoked by competent federal authority and is no longer authorized to manufacture, distribute, prescribe, or dispense controlled substances;

(v) had the licensee's license suspended or revoked by competent authority of another state for violation of laws or regulations comparable to those of this state relating to the manufacture, distribution, or dispensing of controlled substances;

(vi) violated any division rule that reflects adversely on the licensee's reliability and integrity with respect to controlled substances;

(vii) refused inspection of records required to be maintained under this chapter by a person authorized to inspect them; or

(viii) prescribed, dispensed, administered, or injected an anabolic steroid for the purpose of manipulating human hormonal structure so as to:

(A) increase muscle mass, strength, or weight without medical necessity and without a written prescription by any practitioner in the course of the practitioner's professional practice; or

(B) improve performance in any form of human exercise, sport, or game.

(b) The division may limit revocation or suspension of a license to a particular controlled substance with respect to which grounds for revocation or suspension exist.

(c)

(i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant to this section and in accordance with the procedures set forth in Title 58, Chapter 1, Division of Professional Licensing Act, and conducted in conjunction with the appropriate representative committee designated by the director of the department.

(ii) Nothing in this Subsection (4)(c) gives the Division of Professional Licensing exclusive authority in proceedings to deny, revoke, or suspend licenses, except where the division is designated by law to perform those functions, or, when not designated by law, is designated by the executive director of the Department of Commerce to conduct the proceedings.

(d)

(i) The division may suspend any license simultaneously with the institution of proceedings under this section if the division finds there is an imminent danger to the public health or safety.

(ii) Suspension shall continue in effect until the conclusion of proceedings, including judicial review, unless withdrawn by the division or dissolved by a court of competent jurisdiction.

(e)

(i) If a license is suspended or revoked under this Subsection (4), all controlled substances owned or possessed by the licensee may be placed under seal in the discretion of the division.

(ii) Disposition may not be made of substances under seal until the time for taking an appeal has lapsed, or until all appeals have been concluded, unless a court, upon application, orders the sale of perishable substances and the proceeds deposited with the court.

(iii) If a revocation order becomes final, all controlled substances shall be forfeited.

(f) The division shall notify promptly the Drug Enforcement Administration of all orders suspending or revoking a license and all forfeitures of controlled substances.

(g) If an individual's Drug Enforcement Administration registration is denied, revoked, surrendered, or suspended, the division shall immediately suspend the individual's controlled substance license, which shall only be reinstated by the division upon reinstatement of the federal registration, unless the division has taken further administrative action under Subsection (4)(a)(iv), which would be grounds for the continued denial of the controlled substance license.

(5)

(a) A person licensed under Subsection (2) or (3) shall maintain records and inventories in conformance with the record keeping and inventory requirements of federal and state law and any additional rules issued by the division.

(b)

(i) A physician, dentist, naturopathic physician, veterinarian, practitioner, or other individual who is authorized to administer or professionally use a controlled substance, shall keep a record of the drugs received by the individual and a record of all drugs administered, dispensed, or professionally used by the individual otherwise than by a prescription.

(ii) An individual using small quantities or solutions or other preparations of those drugs for local application has complied with this Subsection (5)(b) if the individual keeps a record of the quantity, character, and potency of those solutions or preparations purchased or prepared by the individual, and of the dates when purchased or prepared.

(6) Controlled substances in Schedules I through V may be distributed only by a licensee and pursuant to an order form prepared in compliance with division rules or a lawful order under the rules and regulations of the United States.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-106 Judicial review.
(1) A person aggrieved by a department's final order may obtain judicial review.
(2) Venue for judicial review of an informal adjudicative proceeding is in the district court of Salt Lake County.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-107 Controlled substances.
(1) All substances listed in Section 58-37-108 or 58-37-109 are controlled.
(2) All substances listed in the federal Controlled Substances Act, Title II, P.L. 91-513, are controlled.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-108 Schedules of controlled substances -- Schedules I through V -- Findings required -- Specific substances included in schedules.
(1) There are established five schedules of controlled substances known as Schedules I, II, III, IV, and V, which consist of substances listed in this section.
(2) Schedules I, II, III, IV, and V consist of the following drugs or other substances by the official name, common or usual name, chemical name, or brand name designated:
(a) Except as provided in Subsection (3), Schedule I:
(i) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:
(A) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
(B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
(C) Acetylmethadol;
(D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);
(E) Allylprodine;
(F) Alphacetylmethadol, except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
(G) Alphameprodine;
(H) Alphamethadol;
(I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
(J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);
(K) Benzylpiperazine;
(L) Benzethidine;
(M) Betacetylmethadol;

(N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4- piperidinyl]-N-phenylpropanamide);
(O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
(P) Betameprodine;
(Q) Betamethadol;
(R) Betaprodine;
(S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylbutyramide);
(T) Clonitazene;
(U) Cyclopropyl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
(V) Dextromoramide;
(W) Diampromide;
(X) Diethylthiambutene;
(Y) Difenoxin;
(Z) Dimenoxadol;
(AA) Dimepheptanol;
(BB) Dimethylthiambutene;
(CC) Dioxaphetyl butyrate;
(DD) Dipipanone;
(EE) Ethylmethylthiambutene;
(FF) Etizolam (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
(GG) Etonitazene;
(HH) Etoxeridine;
(II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl] furan-2-carboxamide);
(JJ) Furethidine;
(KK) Hydroxypethidine;
(LL) Ketobemidone;
(MM) Levomoramide;
(NN) Levophenacylmorphan;
(OO) Methoxyacetyl fentanyl (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);
(PP) Morpheridine;
(QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(RR) Noracymethadol;
(SS) Norlevorphanol;
(TT) Normethadone;
(UU) Norpipanone;
(VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl] propanamide);
(WW) Para-fluoroisobutyryl fentanyl (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
(XX) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(YY) Phenadoxone;
(ZZ) Phenampromide;
(AAA) Phenibut;
(BBB) Phenomorphan;
(CCC) Phenoperidine;
(DDD) Piritramide;
(EEE) Proheptazine;

(FFF) Properidine;
(GGG) Propiram;
(HHH) Racemoramide;
(III) Tetrahydrofuran fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
(JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;
(KKK) Tianeptine;
(LLL) Tilidine;
(MMM) Trimeperidine;
(NNN) 3-methylfentanyl, including the optical and geometric isomers (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide);
(OOO) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also known as U-47700; and
(QQQ) 4-cyano CUMYL-BUTINACA.

(ii) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
(A) Acetorphine;
(B) Acetyldihydrocodeine;
(C) Benzylmorphine;
(D) Codeine methylbromide;
(E) Codeine-N-Oxide;
(F) Cyprenorphine;
(G) Desomorphine;
(H) Dihydromorphine;
(I) Drotebanol;
(J) Etorphine (except hydrochloride salt);
(K) Heroin;
(L) Hydromorphinol;
(M) Methyldesorphine;
(N) Methylhydromorphine;
(O) Morphine methylbromide;
(P) Morphine methylsulfonate;
(Q) Morphine-N-Oxide;
(R) Myrophine;
(S) Nicocodeine;
(T) Nicomorphine;
(U) Normorphine;
(V) Pholcodine; and
(W) Thebacon.

(iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, or that contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation; as used in this Subsection (2)(a)(iii) only, "isomer" includes the optical, position, and geometric isomers:

(A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α-ET; and AET;
(B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names: 4-bromo-2,5-dimethoxy-α-methylphenethylamine; 4-bromo-2,5-DMA;
(C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;
(D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy-α-methylphenethylamine; 2,5-DMA;
(E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
(F) 4-methoxyamphetamine, some trade or other names: 4-methoxy-α-methylphenethylamine; paramethoxyamphetamine, PMA;
(G) 5-methoxy-3,4-methylenedioxyamphetamine;
(H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names: 4-methyl-2,5-dimethoxy-α-methylphenethylamine; "DOM"; and "STP";
(I) 3,4-methylenedioxy amphetamine;
(J) 3,4-methylenedioxymethamphetamine (MDMA);
(K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl- alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
(L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
(M) 3,4,5-trimethoxy amphetamine;
(N) Bufotenine, some trade and other names: 3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
(O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
(P) Dimethyltryptamine, some trade or other names: DMT;
(Q) Ibogaine, some trade and other names: 7-Ethyl-6,6β,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b] indole; Tabernanthe iboga;
(R) Lysergic acid diethylamide;
(S) Marijuana;
(T) Mescaline;
(U) Parahexyl, some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl;
(V) Peyote, meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts (Interprets 21 USC 812(c), Schedule I(c) (12));
(W) N-ethyl-3-piperidyl benzilate;
(X) N-methyl-3-piperidyl benzilate;
(Y) Psilocybin;
(Z) Psilocyn;
(AA) Tetrahydrocannabinols, naturally contained in a plant of the genus Cannabis (cannabis plant), except for marijuana as defined in Subsection 58-37-101(1)(w)(i)(E), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their

isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: Δ1 cis or trans tetrahydrocannabinol, and their optical isomers Δ6 cis or trans tetrahydrocannabinol, and their optical isomers Δ3,4 cis or trans tetrahydrocannabinol, and its optical isomers, and since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered;

(BB) Ethylamine analog of phencyclidine, some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

(CC) Pyrrolidine analog of phencyclidine, some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(DD) Thiophene analog of phencyclidine, some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP; and

(EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.

(iv) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Mecloqualone; and

(B) Methaqualone.

(v) Any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

(A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

(B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;

(C) Fenethylline;

(D) Methcathinone, some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;

(E) (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(F) N-ethylamphetamine; and

(G) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(vi) Any material, compound, mixture, or preparation that contains any quantity of the following substances, including their optical isomers, salts, and salts of isomers, subject to temporary emergency scheduling:

(A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and

(B) N-[1- (2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl).

(vii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of gamma hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.

(viii) Unless specifically excepted or unless listed in another schedule, the following substances commonly found in Mitragyna speciosa, including synthetic versions, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:

(A) 7-hydroxymitragynine (methyl (E)-2[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate); and

(B) Mitragynine pseudoindoxyl (methyl (E)-2-[(2S,6'S,7'S,8'aS)-6'-ethyl-4-methoxy-3-oxospiro[1H-indole-2,1'-3,5,6,7,8,8a-hexahydro-2H-indolizine]-7'-yl]-3-methoxyprop-2-enoate).

(b) Schedule II:

(i) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including:

(I) Raw opium;

(II) Opium extracts;

(III) Opium fluid;

(IV) Powdered opium;

(V) Granulated opium;

(VI) Tincture of opium;

(VII) Codeine;

(VIII) Ethylmorphine;

(IX) Etorphine hydrochloride;

(X) Hydrocodone;

(XI) Hydromorphone;

(XII) Metopon;

(XIII) Morphine;

(XIV) Oxycodone;

(XV) Oxymorphone; and

(XVI) Thebaine;

(B) Any salt, compound, derivative, or preparation that is chemically equivalent or identical with any of the substances referred to in Subsection (2)(b)(i)(A), except that these substances may not include the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation that is chemically equivalent or identical with any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives, whether derived from the coca plant or synthetically produced, except the substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(E) Concentrate of poppy straw, which means the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

(ii) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and

ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation, except dextrorphan and levopropoxyphene:

(A) Alfentanil;
(B) Alphaprodine;
(C) Anileridine;
(D) Bezitramide;
(E) Bulk dextropropoxyphene (nondosage forms);
(F) Carfentanil;
(G) Dihydrocodeine;
(H) Diphenoxylate;
(I) Fentanyl;
(J) Isomethadone;
(K) Levo-alphacetylmethadol, some other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
(L) Levomethorphan;
(M) Levorphanol;
(N) Metazocine;
(O) Methadone;
(P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
(R) Pethidine (meperidine);
(S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(V) Phenazocine;
(W) Piminodine;
(X) Racemethorphan;
(Y) Racemorphan;
(Z) Remifentanil; and
(AA) Sufentanil.

(iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(B) Methamphetamine, its salts, isomers, and salts of its isomers;
(C) Phenmetrazine and its salts; and
(D) Methylphenidate.

(iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Amobarbital;
(B) Glutethimide;
(C) Pentobarbital;
(D) Phencyclidine;
(E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC); and

(F) Secobarbital.

(v)

(A) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of Phenylacetone.

(B) Some of these substances may be known by trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone.

(vi) Nabilone, another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

(vii) A drug product or preparation that contains any component of marijuana, including tetrahydrocannabinol, and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule II of the federal Controlled Substances Act, Title II, P.L. 91-513.

(c) Schedule III:

(i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers whether optical, position, or geometric, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II, which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other drug of the quantitive composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances;

(B) Benzphetamine;

(C) Chlorphentermine;

(D) Clortermine; and

(E) Phendimetrazine.

(ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

(A) any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of them, and one or more other active medicinal ingredients that are not listed in any schedule;

(B) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital, or any salt of any of these drugs that is approved by the United States Food and Drug Administration for marketing only as a suppository;

(C) any substance that contains any quantity of a derivative of barbituric acid or any salt of any of them;

(D) Chlorhexadol;

(E) Buprenorphine;

(F) any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under the federal Food, Drug, and Cosmetic Act, Section 505;

(G) Ketamine, its salts, isomers, and salts of isomers, some other names for ketamine: ± -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

(H) Lysergic acid;

(I) Lysergic acid amide;

(J) Methyprylon;
(K) Sulfondiethylmethane;
(L) Sulfonethylmethane;
(M) Sulfonmethane; and
(N) Tiletamine and zolazepam or any of their salts, some trade or other names for a tiletamine-zolazepam combination product: Telazol, some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon.

(iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product, some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.

(iv) Nalorphine.

(v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid:
(A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
(B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
(C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
(D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
(E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
(F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
(G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts; and
(H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(vi) Unless specifically excepted or unless listed in another schedule, anabolic steroids including any of the following or any isomer, ester, salt, or derivative of the following that promotes muscle growth:
(A) Boldenone;
(B) Chlorotestosterone (4-chlortestosterone);
(C) Clostebol;
(D) Dehydrochlormethyltestosterone;
(E) Dihydrotestosterone (4-dihydrotestosterone);
(F) Drostanolone;

(G) Ethylestrenol;
(H) Fluoxymesterone;
(I) Formebulone (formebolone);
(J) Mesterolone;
(K) Methandienone;
(L) Methandranone;
(M) Methandriol;
(N) Methandrostenolone;
(O) Methenolone;
(P) Methyltestosterone;
(Q) Mibolerone;
(R) Nandrolone;
(S) Norethandrolone;
(T) Oxandrolone;
(U) Oxymesterone;
(V) Oxymetholone;
(W) Stanolone;
(X) Stanozolol;
(Y) Testolactone;
(Z) Testosterone; and
(AA) Trenbolone.

(vii) Anabolic steroids expressly intended for administration through implants to cattle or other nonhuman species, and approved by the Secretary of Health and Human Services for use, may not be classified as a controlled substance.

(viii) A drug product or preparation that contains any component of marijuana, including tetrahydrocannabinol, and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule III of the federal Controlled Substances Act, Title II, P.L. 91-513.

(ix) Nabiximols.

(d) Schedule IV:

(i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or any salts of any of them.

(ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Alprazolam;
(B) Barbital;
(C) Bromazepam;
(D) Butorphanol;
(E) Camazepam;
(F) Carisoprodol;
(G) Chloral betaine;
(H) Chloral hydrate;
(I) Chlordiazepoxide;
(J) Clobazam;
(K) Clonazepam;

(L) Clorazepate;
(M) Clotiazepam;
(N) Cloxazolam;
(O) Delorazepam;
(P) Diazepam;
(Q) Dichloralphenazone;
(R) Estazolam;
(S) Ethchlorvynol;
(T) Ethinamate;
(U) Ethyl loflazepate;
(V) Fludiazepam;
(W) Flunitrazepam;
(X) Flurazepam;
(Y) Halazepam;
(Z) Haloxazolam;
(AA) Ketazolam;
(BB) Loprazolam;
(CC) Lorazepam;
(DD) Lormetazepam;
(EE) Mebutamate;
(FF) Medazepam;
(GG) Meprobamate;
(HH) Methohexital;
(II) Methylphenobarbital (mephobarbital);
(JJ) Midazolam;
(KK) Nimetazepam;
(LL) Nitrazepam;
(MM) Nordiazepam;
(NN) Oxazepam;
(OO) Oxazolam;
(PP) Paraldehyde;
(QQ) Pentazocine;
(RR) Petrichloral;
(SS) Phenobarbital;
(TT) Pinazepam;
(UU) Prazepam;
(VV) Quazepam;
(WW) Temazepam;
(XX) Tetrazepam;
(YY) Tramadol;
(ZZ) Triazolam;
(AAA) Zaleplon; and
(BBB) Zolpidem.

(iii) Any material, compound, mixture, or preparation of fenfluramine that contains any quantity of the following substances, including its salts, isomers whether optical, position, or geometric, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible.

(iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers whether optical, position, or geometric isomers, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Cathine ((+)-norpseudoephedrine);

(B) Diethylpropion;

(C) Fencamfamine;

(D) Fenproprex;

(E) Mazindol;

(F) Mefenorex;

(G) Modafinil;

(H) Pemoline, including organometallic complexes and chelates thereof;

(I) Phentermine;

(J) Pipradrol;

(K) Sibutramine; and

(L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.

(vi) A drug product or preparation that contains any component of marijuana and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule IV of the federal Controlled Substances Act, Title II, P.L. 91-513.

(e) Schedule V:

(i) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, which includes one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(D) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; and

(G) unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains Pyrovalerone having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

(ii) A drug product or preparation that contains any component of marijuana, including cannabidiol, and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule V of the federal Controlled Substances Act, Title II, P.L. 91-513.

(iii) Gabapentin.

(3)

(a) As used in this subsection, "pharmaceutical composition" means a drug that has United States Food and Drug Administration approval under 21 U.S.C. Sec. 355 following clinical trials.
(b) If the federal government schedules a pharmaceutical composition of a Schedule I controlled substance or a pharmaceutical composition of any form of a Schedule I controlled substance in a schedule that is not Schedule I, that pharmaceutical composition is deemed scheduled under this section in the same schedule that the pharmaceutical composition is scheduled under 21 U.S.C. Sec. 812 and 21 C.F.R. Part 1308.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-109 Listed controlled substances.

The following substances, their analogs, homologs, and synthetic equivalents, are listed controlled substances:
(1) AB-001;
(2) AB-PINACA; N-[1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide;
(3) AB-FUBINACA; N-[1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl) methyl]-1H-indazole-3-carboxamide;
(4) AB-CHMINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
(5) ADB-CHMINACA (N-[(2S)-1-amino-3,3-dimethyl-1-oxobutan-2-yl]-1-(cyclohexylmethyl)indazole-3-carboxamide);
(6) ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1oxobutan-2-yl)-1- (4-fluorobenzyl)-1H-indazole-3-caboxamide);
(7) AKB48;
(8) alpha-Pyrrolidinohexanophenone (alpha-PHP) (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
(9) alpha-Pyrrolidinovalerophenone (alpha-PVP);
(10) AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone);
(11) AM-1248;
(12) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole);
(13) AM-2233;
(14) AM-679;
(15) A796,260;
(16) Butylone;
(17) CP 47,497 and its C6, C8, and C9 homologs (2-[(1R,3S)-3-hydroxycyclohexyl] -5-(2-methyloctan-2-yl)phenol);
(18) Diisopropyltryptamine (DiPT);
(19) Ethylone;
(20) Ethylphenidate;
(21) Fluoroisocathinone;
(22) Fluoromethamphetamine;
(23) Fluoromethcathinone;
(24) FUB-AMB; methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)valinate;
(25) HU-210; (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
(26) HU-211; Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
(27) JWH-015; (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;

(28) JWH-018; Naphthalen-1-yl-(pentylindol-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indole};
(29) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
(30) JWH-073; Naphthalen-1-yl(1-butylindol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole};
(31) JWH-081; 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
(32) JWH-122; CAS#619294-47-2; (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);
(33) JWH-200; 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
(34) JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
(35) JWH-210; 4-ethyl-1-naphthalenyl(1-pentyl-1H-indol-3-yl)-methanone;
(36) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
(37) JWH-251; 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone;
(38) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
(39) MAM-2201;
(40) MAM-2201; (1-(5-fluoropentyl)-1H-indol-3-yl)(4-ethyl-1-naphthalenyl)-methanone;
(41) Methoxetamine;
(42) Naphyrone;
(43) PB-22; 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester;
(44) Pentedrone;
(45) Pentylone;
(46) RCS-4; 1-pentyl-3-(4-methoxybenzoyl)indole;
(47) RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole {also known as BTW-8 and SR-18};
(48) STS-135;
(49) UR-144;
(50) UR-144 N-(5-chloropentyl) analog;
(51) XLR11;
(52) 2C-C;
(53) 2C-D;
(54) 2C-E;
(55) 2C-H;
(56) 2C-I;
(57) 2C-N;
(58) 2C-P;
(59) 2C-T-2;
(60) 2C-T-4;
(61) 2NE1;
(62) 25I-NBOMe;
(63) 2,5-Dimethoxy-4-chloroamphetamine (DOC);
(64) 4-Fluoro MDMB-BUTINACA (Methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate);
(65) 4-methylmethcathinone {also known as mephedrone};
(66) 3,4-methylenedioxypyrovalerone {also known as MDPV};
(67) 3,4-Methylenedioxymethcathinone {also known as methylone};
(68) 4-methoxymethcathinone;
(69) 4-Methyl-alpha-pyrrolidinopropiophenone;
(70) 4-Methylethcathinone;
(71) 5F-AKB48; 1-(5-flouropentyl)-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3- carboxamide;

(72) 5-Fluoro ADB (Methyl N-{[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl}-3-methyl-valinate);
(73) 5-Fluoro AMB (Methyl N-{[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl}valinate);
(74) 5-fluoro-PB-22; 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester;
(75) 5-Iodo-2-aminoindane (5-IAI);
(76) 5-MeO-DALT;
(77) 25B-NBOMe; 2-(r-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine;
(78) 25C-NBOMe; 2-(4Chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine; and
(79) 25H-NBOMe; 2-(2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-110 Recognized controlled substance analogs.

(1) A substance listed under Subsection (2) is an analog, as defined in Subsection 58-37-101(1)(f), if the substance, in any quantity, and in any material, compound, mixture, or preparation, is present in:
  (a) any product manufactured, distributed, or possessed for the purpose of human consumption; or
  (b) any product, the use or administration of which results in human consumption.
(2) Substances referred to in Subsection (1) include, but are not limited to:
  (a) gamma butyrolactone (GBL);
  (b) butyrolactone;
  (c) 1,2 butanolide;
  (d) 2-oxanolone;
  (e) tetrahydro-2-furanone;
  (f) dihydro-2 (3H)-furanone;
  (g) tetramethylene glycol;
  (h) 1,4 butanediol; and
  (i) gamma valerolactone.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-111 Exceptions to applicability for certain herbs and food supplements.

This chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, do not restrict the sale and use of herbs, herbal products, or food supplements that are not scheduled in this chapter as controlled substances.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-112 Labeling and packaging controlled substance -- Informational pamphlet for opiates -- Naloxone education and offer to dispense.

(1) A person licensed under this chapter may not distribute a controlled substance unless the controlled substance is packaged and labeled in compliance with the requirements of Section 305 of the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.
(2) No person, except a pharmacist for the purpose of filling a prescription, may alter, deface, or remove any label affixed by the manufacturer.

(3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription issued by a practitioner, the pharmacy shall affix to the container in which the substance is sold or dispensed:
(a) a label showing the:
(i) pharmacy name and address;
(ii) serial number; and
(iii) date of initial filling;
(b) the prescription number, the name of the patient, or if the patient is an animal, the name of the owner of the animal and the species of the animal;
(c) the name of the practitioner by whom the prescription was written;
(d) any directions stated on the prescription; and
(e) any directions required by rules and regulations promulgated by the department.
(4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled substance that is an opiate, the pharmacy shall:
(a) affix a warning to the container or the lid for the container in which the substance is sold or dispensed that contains the following text:
(i) "Caution: Opioid. Risk of overdose and addiction"; or
(ii) any other language that is approved by the Department of Health and Human Services;
(b) beginning January 1, 2024:
(i) offer to counsel the patient or the patient's representative on the use and availability of an opiate antagonist as defined in Section 26B-4-501; and
(ii) offer to dispense an opiate antagonist as defined in Section 26B-4-501 to the patient or the patient's representative, under a prescription from a practitioner or under Section 26B-4-510, if the patient:
(A) receives a single prescription for 50 morphine milligram equivalents or more per day, calculated in accordance with guidelines developed by the United States Centers for Disease Control and Prevention;
(B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to the patient in the previous 30-day period; or
(C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to the patient in the previous 30-day period.
(5)
(a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled substance that is an opiate shall, if available from the Department of Health and Human Services, prominently display at the point of sale the informational pamphlet developed by the Department of Health and Human Services under Section 26B-4-514.
(b) The board and the Department of Health and Human Services shall encourage pharmacies to use the informational pamphlet to engage in patient counseling regarding the risks associated with taking opiates.
(c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy is unable to obtain the informational pamphlet from the Department of Health and Human Services for any reason.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-113 Medical research use of controlled substances -- Penalties for violation.
(1) A person holding a valid license under this chapter who is engaged in medical research may produce, possess, administer, prescribe, or dispense a controlled substance for research

purposes as licensed under Subsection 58-37-105(2) but may not otherwise prescribe or dispense a controlled substance listed in Section 58-37-109.

(2)

(a)

(i) A person licensed under this chapter who is found by the division to have violated Subsection (1) is subject to a penalty not to exceed $5,000.

(ii) The division shall determine the procedure for adjudication of a violation in accordance with Sections 58-1-106 and 58-1-108.

(b) The division shall deposit all penalties collected under Subsection (2)(a)(i) into the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).

(c) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(d) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(e) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

(3) Any person who knowingly and intentionally violates Subsection (1) is:

(a) upon a first conviction, guilty of a class B misdemeanor;

(b) upon a second conviction, guilty of a class A misdemeanor; or

(c) on a third or subsequent conviction, guilty of a third degree felony.

(4) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Enacted by Chapter 362, 2026 General Session

58-37-114 Burden of proof in proceedings on violations.

(1) It is not necessary for the state to negate any exemption or exception set forth in this chapter or in Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, in any complaint, information, indictment or other pleading or trial, hearing, or other proceeding under this chapter or in Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, and the burden of proof of any exemption or exception is upon the person claiming the benefit of the exemption or exception.

(2) In absence of proof that a person is the duly authorized holder of an appropriate license, registration, order form, or prescription issued under this chapter, a person shall be presumed not to be the holder of a license, registration, order form, or prescription, and the burden of proof is upon the person to rebut the presumption.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-115 Restrictions on liability for law enforcement.

No liability shall be imposed upon any authorized state or federal officer engaged in the enforcement of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, who is engaged in the enforcement of any law, municipal ordinance, or regulation relating to controlled substances.

Enacted by Chapter 362, 2026 General Session

Part 2
Enforcement, Proceedings, and Penalties

58-37-201 Definitions.

Reserved.

Enacted by Chapter 362, 2026 General Session

58-37-202 Applicability of Title 76 to prosecutions.

Unless specifically excluded in or inconsistent with the provisions of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, the following provisions of Title 76, Criminal Offenses, are applicable to a prosecution under this chapter or under Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances:

(1) Title 76, Chapter 2, Principles of Criminal Responsibility;
(2) Title 76, Chapter 3, Punishments; and
(3) Title 76, Chapter 4, Inchoate Offenses.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-203 Enforcement -- Coordination and cooperation of federal and state agencies -- Powers.

(1) The department and all law enforcement agencies charged with enforcing this chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, shall cooperate with federal and other state agencies in discharging their responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.
(2) In accordance with Subsection (1), the department and law enforcement agencies charged with enforcing this chapter, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, are authorized to:
  (a) arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;
  (b) coordinate and cooperate in training programs in controlled substance law enforcement at the local and state levels;
  (c) cooperate with the United States Department of Justice and the Utah Department of Public Safety by establishing a centralized unit that will receive, catalog, file, and collect statistics, including records of drug-dependent individuals and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes; and
  (d) conduct programs of eradication aimed at destroying the wild or illicit growth of plant species from which controlled substances may be extracted.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-204 Investigators -- Status of peace officers.

Investigators for the Department of Commerce shall, for the purpose of enforcing the provisions of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, have the status of peace officers.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-205 Search warrants -- Administrative inspection warrants -- Inspections and seizures of property without warrant.

(1) Search warrants relating to offenses involving controlled substances may be authorized in accordance with the Utah Rules of Criminal Procedure.

(2) Issuance and execution of administrative inspection warrants shall be as follows:

(a)

(i) Any judge or magistrate of this state within the judge's or magistrate's jurisdiction upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or regulations thereunder and seizures of property appropriate to such inspections.

(ii) Probable cause for purposes of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, exists upon showing a valid public interest in the effective enforcement of the chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or rules promulgated thereunder sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.

(b)

(i) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged sworn to before a judge or magistrate that establish the grounds for issuing the warrant;

(ii) if the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that grounds for the application exist, the judge or magistrate shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type of property to be inspected; and

(iii) the warrant shall:

(A) state the grounds for the warrant's issuance and the name of each individual whose affidavit has been taken to support the warrant;

(B) be directed to a person authorized by Section 58-37-204 of this chapter to execute the warrant;

(C) command the person to whom the warrant is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and if appropriate, direct the seizure of the property the warrant specifies;

(D) identify the item or types of property to be seized, if any; and

(E) direct that the warrant be served during normal business hours and designate the judge or magistrate to whom the warrant shall be returned.

(c)

(i) A warrant issued pursuant to this section must be executed and returned within 10 days after the date of the warrant unless, upon a showing of a need for additional time, the court instructs otherwise in the warrant.

(ii) If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken, or leave the copy and receipt at the place where the property was taken.

(iii) Return of the warrant shall be made promptly and be accompanied by a written inventory of any property taken.

(iv) The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant.

(v) A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(d) The judge or magistrate who issues the warrant under this section shall attach a copy of the return and all other papers to the warrant and file the papers and warrant with the court.

(3) The department is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(a) For purposes of this section only, "controlled premises" means:

(i) places where persons licensed or exempted from licensing requirements under this chapter are required to keep records; or

(ii) places including factories, warehouses, establishments, and conveyances where persons licensed or exempted from licensing requirements are permitted to possess, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(b) When authorized by an administrative inspection warrant, a law enforcement officer or employee designated in Section 58-37-204, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, has the right to enter controlled premises for the purpose of conducting an administrative inspection.

(c) When authorized by an administrative inspection warrant, a law enforcement officer or employee designated in Section 58-37-204 has the right:

(i) to inspect and copy records required by this chapter;

(ii) to inspect within reasonable limits and a reasonable manner, the controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling found, and except as provided in Subsection (3)(e), all other things including records, files, papers, processes, controls, and facilities subject to regulation and control by this chapter or by rules promulgated by the department; and

(iii) to inventory and take stock of any controlled substance and obtain samples of any substance.

(d) This section shall not be construed to prevent the inspection of books and records without a warrant in accordance with an administrative subpoena issued by a court or the department, nor shall this section be construed to prevent entries and administrative inspections including seizures of property without a warrant:

(i) with the consent of the owner, operator, or agent in charge of the controlled premises;

(ii) in situations presenting imminent danger to health or safety;

(iii) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes obtaining a warrant impracticable;

(iv) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

(v) in all other situations where a warrant is not constitutionally required.

(e) No inspection authorized by this section shall extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-206 Court action to enjoin a violation -- Jury trial.

(1) A court may enjoin a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(2) If an alleged violation of an injunction or restraining order issued under this section occurs, the accused may demand a jury trial in accordance with the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-207 Resort for illegal use or possession of controlled substances deemed common nuisance -- District court power to suppress and enjoin.

(1)

(a) Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or other place to which users or possessors of any controlled substances, listed in schedules I through V, resort or where use or possession of any substances violates this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or which is used for illegal keeping, storing, or selling any substances listed as controlled substances in schedules I through V, shall be deemed a common nuisance.

(b) No person shall open, keep, or maintain a place described in Subsection (1)(a).

(2) The district court has the power to make any order necessary or reasonable to suppress any nuisance and to enjoin any person or persons from doing any act calculated to cause, or permit the continuation of a nuisance.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-208 Prima facie evidence.

In any prosecution for a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, evidence or proof that shows a person or persons produced, manufactured, possessed, distributed, or dispensed a controlled substance or substances, is prima facie evidence that the person or persons did so with knowledge of the character of the substance or substances.

Enacted by Chapter 362, 2026 General Session

58-37-209 Privileged communication.

Any information communicated to a licensed practitioner in an attempt to unlawfully procure, or to procure the administration of, a controlled substance is not considered to be a privileged communication.

Enacted by Chapter 362, 2026 General Session

58-37-210 Penalties -- Bar to state prosecution.

(1) A violation of this chapter for which no penalty is specified is a class B misdemeanor.

(2) When a violation of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, violates a federal law or the law of another state, conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

Enacted by Chapter 362, 2026 General Session

Part 3
Specific Provisions Regarding Prescriptions and Orders

58-37-301 Definitions.

Reserved.

Enacted by Chapter 362, 2026 General Session

58-37-302 Electronic prescriptions for controlled substances.

(1) Beginning January 1, 2022, each prescription issued for a controlled substance shall be transmitted electronically as an electronic prescription, unless the prescription is:
  (a) for a patient residing in an assisted living facility as that term is defined in Section 26B-2-201, a long-term care facility as that term is defined in Section 58-31b-102, or a correctional facility as that term is defined in Section 64-13-1;
  (b) issued by a veterinarian licensed under Chapter 28, Veterinary Practice Act;
  (c) dispensed by a Department of Veterans Affairs pharmacy;
  (d) issued during a temporary technical or electronic failure at the practitioner's or pharmacy's location; or
  (e) issued in an emergency situation.
(2) The division, in collaboration with the appropriate boards that govern the licensure of the licensees who are authorized by the division to prescribe or to dispense controlled substances, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  (a) require that controlled substances prescribed or dispensed under Subsection (1)(d) indicate on the prescription that the prescribing practitioner or the pharmacy is experiencing a technical difficulty or an electronic failure;
  (b) define an emergency situation for purposes of Subsection (1)(e);
  (c) establish additional exemptions to the electronic prescription requirements established in this section;
  (d) establish guidelines under which a prescribing practitioner or a pharmacy may obtain an extension of up to two additional years to comply with Subsection (1);
  (e) establish a protocol to follow if the pharmacy that receives the electronic prescription is not able to fill the prescription; and
  (f) establish requirements that comply with federal laws and regulations for software used to issue and dispense electronic prescriptions.
(3) Beginning July 1, 2024, a pharmacy software program for receiving an electronic prescription for a controlled substance shall be capable of electronically transferring a prescription to a different pharmacy:
  (a) upon the request of the patient or the practitioner;
  (b) with the approval of a pharmacist at the originating pharmacy; and

(c) if the prescription is unfilled.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-303 Continuing education for controlled substance prescribers.

(1) For the purposes of this section:

(a) "Controlled substance prescriber" means an individual, other than a veterinarian, who:

(i) is licensed to prescribe a controlled substance under this chapter; and

(ii) possesses the authority, in accordance with the individual's scope of practice, to prescribe schedule II controlled substances and schedule III controlled substances that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

(b) "D.O." means an osteopathic physician and surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act.

(c) "FDA" means the United States Food and Drug Administration.

(d) "M.D." means a physician and surgeon licensed under Chapter 67, Utah Medical Practice Act.

(e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment approach used by the federal Substance Abuse and Mental Health Services Administration or defined by the division, in consultation with the Office of Substance Use and Mental Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)

(a) Beginning with the licensing period that begins after January 1, 2014, as a condition precedent for license renewal, each controlled substance prescriber shall complete at least 3.5 continuing education hours per licensing period that satisfy the requirements of Subsection (3).

(b)

(i) Beginning with the licensing period that begins after January 1, 2024, as a condition precedent for license renewal, each controlled substance prescriber shall complete at least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements of Subsection (4).

(ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i), fulfills the continuing education hours requirement in Subsection (3) for the licensing period in which the class was completed.

(iii) A controlled substance prescriber:

(A) need only take the SBIRT-training class once during the controlled substance prescriber's licensure in the state; and

(B) shall provide a completion record of the SBIRT-training class in order to be reimbursed for SBIRT services to patients, in accordance with Sections 26B-3-131 and 49-20-416.

(3) A controlled substance prescriber shall complete at least 3.5 hours of continuing education in one or more controlled substance prescribing classes, except dentists, who shall complete at least two hours, that satisfy the requirements of Subsections (4) and (6).

(4) A controlled substance prescribing class shall:

(a) satisfy the division's requirements for the continuing education required for the renewal of the controlled substance prescriber's respective license type;

(b) be delivered by an accredited or approved continuing education provider recognized by the division as offering continuing education appropriate for the controlled substance prescriber's respective license type; and

(c) include a postcourse knowledge assessment.

(5) An M.D. or D.O. completing continuing professional education hours under Subsection (4) shall complete those hours in classes that qualify for the American Medical Association Physician's Recognition Award Category 1 Credit.
(6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4) shall include educational content covering the following:
(a) the scope of the controlled substance abuse problem in Utah and the nation;
(b) all elements of the FDA Blueprint for Prescriber Education under the FDA's Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy, as published July 9, 2012, or as it may be subsequently revised;
(c) the national and Utah-specific resources available to prescribers to assist in appropriate controlled substance and opioid prescribing;
(d) patient record documentation for controlled substance and opioid prescribing;
(e) office policies, procedures, and implementation; and
(f) some training regarding medical cannabis, as that term is defined in Section 26B-4-201.
(7)
(a) The division, in consultation with the Utah Medical Association Foundation, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
(b) The division, in consultation with the applicable professional licensing boards, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber other than an M.D. or D.O.
(c) The division may by rule establish a committee that may audit compliance with the Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project grant, that satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber.
(d) The division shall consult with the Department of Health and Human Services regarding the medical cannabis training described in Subsection (6)(f).
(8) A controlled substance prescribing class required under this section:
(a) may be held:
(i) in conjunction with other continuing professional education programs; and
(ii) online; and
(b) does not increase the total number of state-required continuing professional education hours required for prescriber licensing.
(9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.
(10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours of the continuing education requirement under Subsection (3) for two consecutive licensing periods.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-304 Prescription requirements -- Penalties.
(1) An individual may not write or authorize a prescription for a controlled substance unless the individual is:
(a) a practitioner authorized to prescribe drugs and medicine under the laws of this state or under the laws of another state having similar standards; and

(b) licensed under this chapter or under the laws of another state having similar standards.

(2) An individual other than a pharmacist licensed under the laws of this state, or the pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not dispense a controlled substance.

(3)

(a) A controlled substance may not be dispensed without the written prescription of a practitioner, if the written prescription is required by the federal Controlled Substances Act.

(b) A written prescription described in Subsection (3)(a) shall be made in accordance with Subsection (1) and in conformity with Subsection (4).

(c) In emergency situations, as defined by division rule, controlled substances may be dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms designated by the division and filed by the pharmacy.

(d) Prescriptions reduced to writing by a pharmacist shall be in conformity with Subsection (4).

(4) Except for emergency situations designated by the division, an individual may not issue, fill, compound, or dispense a prescription for a controlled substance unless the prescription is signed by the prescriber in ink or indelible pencil or is signed with an electronic signature of the prescriber as authorized by division rule, and contains the following information:

(a) the name, address, and registry number of the prescriber;

(b) the name, address, and age of the person to whom or for whom the prescription is issued;

(c) the date of issuance of the prescription; and

(d) the name, quantity, and specific directions for use by the ultimate user of the controlled substance.

(5) A prescription may not be written, issued, filled, or dispensed for a Schedule I controlled substance unless:

(a) the individual who writes the prescription is licensed under Subsection 58-37-105(2); and

(b) the prescribed controlled substance is to be used in research.

(6)

(a) Except when administered directly to an ultimate user by a licensed practitioner, controlled substances are subject to the restrictions of this Subsection (6).

(b) A prescription for a Schedule II substance may not be refilled.

(c) A Schedule II controlled substance may not be filled in a quantity to exceed a one-month's supply, as directed on the daily dosage rate of the prescriptions.

(d)

(i) A prescription for a Schedule II or Schedule III controlled substance that is an opiate and that is issued for an acute condition shall be completely or partially filled in a quantity not to exceed a seven-day supply as directed on the daily dosage rate of the prescription.

(ii) Subsection (6)(d)(i) does not apply to prescriptions issued for complex or chronic conditions that are documented as being complex or chronic in the medical record.

(iii) A pharmacist is not required to verify that a prescription is in compliance with this Subsection (6)(d).

(e) A Schedule III or IV controlled substance may be filled only within six months of issuance, and may not be refilled more than six months after the date of the original issuance or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(f) All other controlled substances in Schedule V may be refilled as the prescriber's prescription directs, but they may not be refilled one year after the date the prescription was issued unless renewed by the practitioner.

(g) Any prescription for a Schedule II substance may not be dispensed if it is not presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within 30 days after the

date the prescription was issued, or 30 days after the dispensing date, if that date is specified separately from the date of issue.

(h) A practitioner may issue more than one prescription at the same time for the same Schedule II controlled substance, but only under the following conditions:

(i) no more than three prescriptions for the same Schedule II controlled substance may be issued at the same time;

(ii) no one prescription may exceed a 30-day supply; and

(iii) a second or third prescription shall include the date of issuance and the date for dispensing.

(7) An order for a controlled substance in Schedules II through V for use by an inpatient or an outpatient of a licensed hospital is exempt from all requirements of this section if the order is:

(a) issued or made by a prescribing practitioner who holds an unrestricted registration with the federal Drug Enforcement Administration, and an active Utah controlled substance license in good standing issued by the division under Section 58-37-105, or a medical resident who is exempted from licensure under Subsection 58-1-307(1)(c);

(b) authorized by the prescribing practitioner treating the patient and the prescribing practitioner designates the quantity ordered;

(c) entered upon the record of the patient, the record is signed by the prescriber affirming the prescriber's authorization of the order within 48 hours after filling or administering the order, and the patient's record reflects the quantity actually administered; and

(d) filled and dispensed by a pharmacist practicing the pharmacist's profession within the physical structure of the hospital, or the order is taken from a supply lawfully maintained by the hospital and the amount taken from the supply is administered directly to the patient authorized to receive it.

(8)

(a) For purposes of Subsection (8)(b):

(i) "Child" means the same as that term is defined in Section 80-1-102.

(ii) "Emergency" means any physical condition requiring the administration of a controlled substance for immediate relief of pain or suffering.

(b) A practitioner licensed under this chapter may not prescribe, administer, or dispense a controlled substance to a child, without first obtaining the consent required in Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the child, except in cases of an emergency.

(9) A practitioner licensed under this chapter may not prescribe or administer dosages of a controlled substance in excess of medically recognized quantities necessary to treat the ailment, malady, or condition of the ultimate user.

(10) A practitioner licensed under this chapter may not prescribe, administer, or dispense any controlled substance to another person knowing that the other person is using a false name, address, or other personal information for the purpose of securing the controlled substance.

(11) A person who is licensed under this chapter to manufacture, distribute, or dispense a controlled substance may not manufacture, distribute, or dispense a controlled substance to another licensee or any other authorized person not authorized by this license.

(12) A person licensed under this chapter may not omit, remove, alter, or obliterate a symbol required by this chapter or by a rule issued under this chapter.

(13) A person licensed under this chapter may not refuse or fail to make, keep, or furnish any record notification, order form, statement, invoice, or information required under this chapter.

(14) A person licensed under this chapter may not refuse entry into any premises for inspection as authorized by this chapter.

(15) A person licensed under this chapter may not furnish false or fraudulent material information in any application, report, or other document required to be kept by this chapter or willfully make any false statement in any prescription, order, report, or record required by this chapter.
(16)
(a)
(i) A person licensed under this chapter who is found by the division to have violated any of the provisions of Subsection (11), (12), (13), (14), or (15) is subject to a penalty not to exceed $5,000.
(ii) The division shall determine the procedure for adjudication of any violations in accordance with Sections 58-1-106 and 58-1-108.
(b) The division shall deposit all penalties collected under Subsection (16)(a)(i) into the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).
(c) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(d) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(e) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
(17)
(a) A person who knowingly and intentionally violates Subsection (8), (9), or (10) is:
(i) upon first conviction, guilty of a class B misdemeanor;
(ii) upon second conviction, guilty of a class A misdemeanor; and
(iii) upon third or subsequent conviction, guilty of a third degree felony.
(b) A person who knowingly and intentionally violates Subsection (11), (12), (13), (14), or (15) is guilty of a third degree felony.
(18) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Enacted by Chapter 362, 2026 General Session

58-37-305 High risk prescriptions.
(1) As used in this section:
(a) "Database" means the controlled substance database created in Section 58-37f-201.
(b) "High risk prescription" means a prescription for an opiate or a benzodiazepine that is written to continue for longer than 30 consecutive days.
(2) A practitioner who issues a high risk prescription to a patient shall, before issuing the high risk prescription to the patient, verify in the database that the patient does not have a high risk prescription from a different practitioner that is currently active.
(3) If the database shows that the patient has received a high risk prescription that is currently active from a different practitioner, the practitioner may not issue a high risk prescription to the patient unless the practitioner:
(a) contacts and consults with each practitioner who issued a high risk prescription that is currently active to the patient;
(b) documents in the patient's medical record that the practitioner made contact with each practitioner in accordance with Subsection (3)(a); and

(c) documents in the patient's medical record the reason why the practitioner believes that the patient needs multiple high risk prescriptions from different practitioners.

(4) A practitioner shall satisfy the requirement described in Subsection (3) in a timely manner, which may be after the practitioner issues the high risk prescription to the patient.

Enacted by Chapter 362, 2026 General Session

58-37-306 Opiate prescription consultation -- Prescription for opiate antagonist required.

(1) As used in this section:

(a) "Initial opiate prescription" means a prescription for an opiate to a patient who:

(i) has never previously been issued a prescription for an opiate; or

(ii) was previously issued a prescription for an opiate, but the date on which the current prescription is being issued is more than one year after the date on which an opiate was previously prescribed or administered to the patient.

(b) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.

(c) "Prescriber" means an individual who is authorized to prescribe a controlled substance under this chapter.

(2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate prescription without discussing with the patient, or the patient's parent or guardian if the patient is under 18 years old and is not an emancipated minor:

(a) the risks of addiction and overdose associated with opiate drugs;

(b) the dangers of taking opiates with alcohol, benzodiazepines, and other central nervous system depressants;

(c) the reasons why the prescription is necessary;

(d) alternative treatments that may be available; and

(e) other risks associated with the use of the drugs being prescribed.

(3) Subsection (2) does not apply to a prescription for:

(a) a patient who is currently in active treatment for cancer;

(b) a patient who is receiving hospice care from a licensed hospice as defined in Section 26B-2-201; or

(c) a medication that is being prescribed to a patient for the treatment of the patient's substance abuse or opiate dependence.

(4)

(a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an opiate antagonist to a patient if the patient receives an initial opiate prescription for:

(i) 50 morphine milligram equivalents or more per day, calculated in accordance with guidelines developed by the United States Centers for Disease Control and Prevention; or

(ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.

(b) Subsection (4)(a) does not apply if the initial opiate prescription:

(i) is administered directly to an ultimate user by a licensed practitioner; or

(ii) is for a three-day supply or less.

(c) This Subsection (4) does not require a patient to purchase or obtain an opiate antagonist as a condition of receiving the patient's initial opiate prescription.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-307 Methadone orders authorized.

(1) As used in this section:

(a) "Emergency medical order" means a medical order as defined in Section 58-17b-102 for up to a 72-hour supply of methadone.
(b) "General acute hospital" means the same as that term is defined in Section 26B-2-201.
(c) "Qualified pharmacy" means a pharmacy that is located on the premises of a general acute hospital that is licensed as a:
(i) class A pharmacy as defined in Section 58-17b-102; or
(ii) class B pharmacy as defined in Section 58-17b-102.
(d) "Qualified practitioner" means a practitioner who is:
(i) registered with the United States Drug Enforcement Administration to issue an emergency medical order; and
(ii) working at a general acute hospital.
(2) A qualified practitioner may issue an emergency medical order to a qualified pharmacy to dispense up to a 72-hour supply of methadone on behalf of the qualified practitioner:
(a) to relieve acute withdrawal symptoms while the qualified practitioner makes arrangements to refer the patient for substance use disorder treatment; and
(b) in accordance with 21 C.F.R. Sec. 1306.07 and applicable regulation or guidance issued by the United States Drug Enforcement Administration regarding an emergency medical order.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-308 Veterinary exemption for gabapentin.

A veterinarian licensed under Chapter 28, Veterinary Practice Act, who is prescribing, administering, or dispensing gabapentin within the veterinarian's scope of practice, is exempt from the requirements of this chapter and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-309 Drugs for behavioral health treatment.

(1) As used in this section:
(a) "Drug" means any form of psilocybin or methylenedioxymethamphetamine that is in federal Food and Drug Administration Phase 3 testing for an investigational drug described in 21 C.F.R. Part 312.
(b) "Healthcare system" means:
(i) a privately-owned, non-profit, vertically-integrated healthcare system that operates at least 15 licensed hospitals in the state;
(ii) a health care system closely affiliated with an institution of higher education listed in Section 53H-1-102; or
(iii) a health care system closely affiliated with a private postsecondary educational institution as defined in Section 53H-1-101.
(2) A healthcare system may develop a behavioral health treatment program that includes a treatment based on a drug that the healthcare system determines is supported by a broad collection of scientific and medical research.
(3) A healthcare system described in Subsection (2):
(a) shall ensure that a drug used under the exclusive authority of this section is used by a patient only under the direct supervision and control of the healthcare system and the healthcare system's health care providers who are licensed under this title; and

(b) may not provide treatments that are authorized exclusively under this section to an individual who is not at least 18 years old.

(4) Before July 1, 2026, a healthcare system that creates a behavioral health treatment program under this section shall provide a written report to the Health and Human Services Interim Committee regarding:

(a) drugs used;

(b) health outcomes of patients;

(c) side effects of any drugs used; and

(d) any other information necessary for the Legislature to evaluate the medicinal value of any drugs.

(5) An individual or entity that complies with this section when using, distributing, possessing, administering, or supervising the use of, a drug is not guilty of a violation of this title.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-310 Emergency medical services agency license to distribute, dispense, and administer.

(1) As used in this section:

(a) "Authorizing medical professional" means a practitioner:

(i) who is licensed under Section 58-37-105;

(ii) who is acting within the scope of the license described in Section 58-37-105; and

(iii) whose scope of practice under the license described in Section 58-37-105, as described in this title and rules the division makes, includes the ability to provide verbal orders.

(b) "Emergency medical service personnel" means the same as that term is defined in Section 53-2d-101.

(c) "Emergency medical services" means the same as that term is defined in Section 53-2d-101.

(d)

(i) "Emergency medical services agency" means an organization that provides emergency medical services.

(ii) "Emergency medical services agency" includes emergency medical service providers as that term is defined in Section 53-2d-101.

(e) "Emergency medical service vehicle" means the same as that term is defined in Section 53-2d-101.

(f) "Licensee" means a registered agency that is issued a controlled substance license in accordance with this section.

(g) "Medical director" means a physician who:

(i) is registered under 21 U.S.C. Sec. 823(g);

(ii) provides oversight to an emergency medical services agency; and

(iii) is an authorizing medical professional.

(h) "Physician" means an individual licensed under:

(i) Chapter 67, Utah Medical Practice Act; or

(ii) Chapter 68, Utah Osteopathic Medical Practice Act.

(i) "Registered agency" means an emergency medical services agency that is registered under 21 U.S.C. Sec. 823(k).

(j) "Registered location" means a location on a United States Drug Enforcement Administration certificate of registration issued to an emergency medical services agency where the agency receives controlled substances from a distributor.

(k) "Standing order" means a written medical protocol that:

(i) a medical director issues;
(ii) establishes the medical criteria that shall be met before controlled substances are administered to an individual who needs emergency medical services; and
(iii) authorizes emergency medical service personnel to administer a controlled substance in Schedules II through V to an individual who needs emergency medical services outside the physical presence of the medical director or other authorizing medical professional.

(l) "Stationhouse" means an enclosed structure that:
(i) houses one or more emergency medical service vehicles of a registered agency; and
(ii) the registered agency is actively using for emergency response.

(m) "Verbal order" means an oral directive that is given through any method of communication directly to emergency medical service personnel to contemporaneously administer a controlled substance to an individual who needs emergency medical services outside the physical presence of the medical director or other authorizing medical professional.

(2)
(a) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, relating to the licensing and control of the distribution, dispensing, and administration of controlled substances within this state by a registered agency.
(b) In making the rules described in this Subsection 58-37-310(2), the division shall consult with the Bureau of Emergency Medical Services created in Section 53-2d-102.
(c) The rules the division makes under this section shall include rules addressing:
(i) the storage of controlled substances by a registered agency;
(ii) restocking controlled substances in a registered agency's emergency medical service vehicle at a hospital;
(iii) creating and maintaining records and inventories of controlled substances distributed, dispensed, and administered by a registered agency and emergency medical service personnel;
(iv) procedures for proceedings, not inconsistent with this section and substantially similar to the procedures described in Chapter 1, Division of Professional Licensing Act, to:
(A) deny, revoke, or suspend a license; and
(B) appeal a decision to deny, revoke, or suspend a license; and
(v) procedures for adjudication of violations of this section in accordance with Sections 58-1-106 and 58-1-108.
(d) The division may assess reasonable fees to defray the cost of issuing original and renewal licenses under this section in accordance with Section 63J-1-504.

(3)
(a) A registered agency shall obtain a license for each registered location.
(b) A registered agency:
(i) shall have at least one registered location; and
(ii) is not required to obtain a separate United States Drug Enforcement Administration certificate of registration for each of the registered agency's stationhouses or other locations.

(4) A registered agency licensed under this section:
(a) shall maintain records and inventories:
(i) in accordance with the record keeping and inventory requirements of federal and state law and rules the division makes; and
(ii) at a registered location; and
(b) may not:

(i) distribute or dispense a controlled substance to any other person unless authorized in division rule;
(ii) omit, remove, alter, or obliterate a symbol required by this chapter or by division rule;
(iii) refuse or fail to make, keep, or furnish any record notification, order form, statement, invoice, or information required under this chapter or division rule;
(iv) refuse entry into any premises for inspection as authorized by this chapter or division rule;
(v) provide false or fraudulent material information in any application, report, or other document that this section or division rule requires; or
(vi) willfully make any false statement in any report or record this section or division rule requires.

(5) If a registered agency obtains a license issued by the division, emergency medical service personnel employed by the registered agency may dispense, distribute, or administer controlled substances:
(a) to the extent authorized by the license;
(b) in compliance with applicable provisions of state and federal law; and
(c) according to:
(i) a standing order or a verbal order issued by the medical director of the registered agency for the registered agency; or
(ii) a verbal order issued by an authorizing medical professional.

(6)
(a) The division shall issue each license under this chapter according to a two-year renewal cycle the division establishes in rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.

(7)
(a) The division may deny, suspend, place on probation, or revoke a license if the division finds that an applicant or licensee has:
(i) materially falsified any application filed or required under this chapter;
(ii) violated any state or federal law relating to a controlled substance;
(iii) violated a division rule that reflects adversely on the applicant's or licensee's reliability and integrity with respect to controlled substances;
(iv) had a federal registration or license denied, suspended, or revoked by competent federal authority and is no longer authorized to dispense, distribute, or administer controlled substances;
(v) had the licensee's license suspended or revoked by competent authority of another state for violation of laws or regulations comparable to those of this state relating to the dispensing, distribution, or administration of controlled substances; or
(vi) refused inspection of records required to be maintained under this chapter by a person authorized to inspect the records.
(b) The division may limit revocation or suspension of a license to a particular controlled substance with respect to which there are grounds for revocation or suspension.
(c)
(i) The division may suspend a license simultaneously with instituting proceedings to deny, suspend, place on probation, or revoke a license if the division finds there is an imminent danger to the public health or safety.
(ii) If the division suspends a license under Subsection 58-37-310(7)(c)(i), the suspension is effective until the conclusion of proceedings, including judicial review, unless withdrawn by the division or dissolved by a court.

(d)
(i) If the division suspends a license under this Subsection 58-37-310(7), all controlled substances the licensee owns or possesses may be placed under seal in the discretion of the division.
(ii) Controlled substances under seal may not be disposed until the time for appeal has expired, or until all appeals have been exhausted, unless a court, upon application, orders the sale of perishable substances and the proceeds deposited with the court.
(iii) If a revocation order under this Subsection 58-37-310(7) becomes final, the licensee shall forfeit all controlled substances the licensee owns or possesses.
(e) The division shall promptly notify the United States Drug Enforcement Administration:
(i) if the division issues an order suspending or revoking a license; and
(ii) of a forfeiture of controlled substances under Subsection 58-37-310(7)(d)(iii).
(f)
(i) If a registered agency's United States Drug Enforcement Administration registration is denied, revoked, surrendered, or suspended, the division shall immediately suspend the registered agency's controlled substance license.
(ii)
(A) Except as provided in Subsection 58-37-310(7)(f)(ii)(b), the division may only reinstate a license suspended as described in Subsection 58-37-310(7)(f)(i) if the registered agency's United States Drug Enforcement Administration registration is reinstated.
(B) The division may not reinstate a license as described in Subsection 58-37-310(7)(f)(ii)(a), if the division has taken further administrative action under Subsection 58-37-310(7)(a)(iv).
(8)
(a) The division may impose a fine for a violation of Subsection 58-37-310(4)(b) not to exceed $5,000.
(b) The division shall deposit all penalties collected under Subsection 58-37-310(8)(a) into the General Fund as a dedicated credit to be used by the division in accordance with Subsection 58-37f-502(1).

Enacted by Chapter 147, 2026 General Session

Part 4
Specific Provisions Relating To Cannabis, Cannabinoid Products, and Hemp, and Kratom

58-37-401 Definitions.

Reserved.

Enacted by Chapter 362, 2026 General Session

58-37-402 Exemption for possession or use of cannabis to treat a qualifying illness -- Penalties.

(1) As used in this section:
(a) "Cannabis" means marijuana.
(b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
(c) "Drug paraphernalia" means the same as that term is defined in Section 76-18-301.

(d) "Medical cannabis cardholder" means the same as that term is defined in Section 26B-4-201.
(e) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.
(f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
(g) "Tetrahydrocannabinol" means a substance derived from cannabis or a synthetic description as described in Subsection 58-37-108(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of law, except as otherwise provided in this section:
(a) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug Offenses, for the following conduct if the individual engages in the conduct in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:
(i) possessing, ingesting, inhaling, producing, manufacturing, dispensing, distributing, selling, or offering to sell cannabis or a cannabis product; or
(ii) possessing cannabis or a cannabis product with the intent to engage in the conduct described in Subsection (2)(a)(i); and
(b) an individual is not guilty of a violation of this title or Title 76, Chapter 18, Drug Offenses, regarding drug paraphernalia if the individual, in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:
(i) possesses, manufactures, distributes, sells, or offers to sell a medical cannabis device; or
(ii) possesses a medical cannabis device with the intent to engage in any of the conduct described in Subsection (2)(b)(i).

(3)
(a) As used in this Subsection (3), "smoking" does not include the vaporization or heating of medical cannabis.
(b) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, does not authorize a medical cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking or combustion of cannabis.
(c) A medical cannabis cardholder or a nonresident patient who smokes cannabis or engages in any other conduct described in Subsection (3)(b):
(i) does not possess the cannabis in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and
(ii) is, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia for the conduct described in Subsection (3)(b):
(A) for the first offense, guilty of an infraction and subject to a fine of up to $100; and
(B) for a second or subsequent offense, subject to charges under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(4) An individual who is assessed a penalty or convicted of a crime under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, is not, based on the conduct underlying that penalty or conviction, subject to a penalty described in this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for:
(a) the possession, manufacture, sale, or offer for sale of cannabis or a cannabis product; or
(b) the possession, manufacture, sale, or offer for sale of drug paraphernalia.

(5)
(a) Nothing in this section prohibits a person, either within the state or outside the state, from selling a medical cannabis device within the state.
(b) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and

Medical Cannabis, to qualify for the protections of this section to sell a medical cannabis device.

(6) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-403 Exemption for possession or distribution of a cannabinoid product, expanded cannabinoid product, or transportable industrial hemp concentrate.

(1) As used in this section:

(a) "Cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis; and

(ii) contains at least 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(b) "Cannabis" means any part of the plant cannabis sativa, whether growing or not.

(c) "Expanded cannabinoid product" means a product intended for human ingestion that:

(i) contains an extract or concentrate that is obtained from cannabis; and

(ii) contains less than 10 units of cannabidiol for every one unit of tetrahydrocannabinol.

(d) "Transportable industrial hemp concentrate" means any amount of a natural cannabinoid in a purified state that:

(i) is the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass;

(ii) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days before the day on which the cannabis plant was harvested, contains a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis; and

(iii) has a THC and THC analog concentration total less than 20% when concentrated from the cannabis plant to the purified state.

(e) "Tetrahydrocannabinol" means a substance derived from cannabis that meets the description in Subsection 58-37-108(2)(a)(iii)(AA).

(2) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, an individual who possesses or distributes a cannabinoid product or an expanded cannabinoid product is not subject to the penalties described in this title or Title 76, Chapter 18, Drug Offenses, for the possession or distribution of marijuana or tetrahydrocannabinol to the extent that the individual's possession or distribution of the cannabinoid product or expanded cannabinoid product complies with Section 26B-4-212.

(3) Notwithstanding any other provision of this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, a person who possesses and distributes transportable industrial hemp concentrate is not subject to the penalties described in this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the possession or distribution of transportable industrial hemp concentrate if the transportable industrial hemp concentrate is handled in accordance with the rules established under Subsection 4-41-103.1(1)(e) or is destroyed.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-404 Medical cannabis decriminalization.

(1) As used in this section:

(a) "Cannabis" means the same as that term is defined in Section 26B-4-201.
(b) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
(c) "Legal dosage limit" means the same as that term is defined in Section 26B-4-201.
(d) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
(e) "Medical cannabis device" means the same as that term is defined in Section 26B-4-201.
(f) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
(g) "Nonresident patient" means the same as that term is defined in Section 26B-4-201.
(h) "Qualifying condition" means the same as that term is defined in Section 26B-4-201.
(i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-402.

(2) Before July 1, 2021, including during the period between January 1, 2021, and March 17, 2021, an individual is not guilty under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia if:
(a) at the time of the arrest or citation, the individual:
(i) for possession, was a medical cannabis cardholder; or
(ii) for use, was a medical cannabis patient cardholder or a minor with a provisional patient card under the supervision of a medical cannabis guardian cardholder; and
(b)
(i) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:
(A) unprocessed cannabis in a medicinal dosage form; or
(B) a cannabis product in a medicinal dosage form; and
(ii) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.

(3) A nonresident patient is not guilty under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the use or possession of marijuana, tetrahydrocannabinol, or marijuana drug paraphernalia under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, if:
(a) for use or possession of marijuana or tetrahydrocannabinol, the marijuana or tetrahydrocannabinol is one of the following in an amount that does not exceed the legal dosage limit:
(i) unprocessed cannabis in a medicinal dosage form; or
(ii) a cannabis product in a medicinal dosage form; and
(b) for use or possession of marijuana drug paraphernalia, the paraphernalia is a medical cannabis device.

(4)
(a) There is a rebuttable presumption against an allegation of use or possession of marijuana or tetrahydrocannabinol if:
(i) an individual fails a drug test based on the presence of tetrahydrocannabinol in the sample; and
(ii) the individual provides evidence that the individual possessed or used cannabidiol or a cannabidiol product.
(b) The presumption described in Subsection (4)(a) may be rebutted with evidence that the individual purchased or possessed marijuana or tetrahydrocannabinol that is not authorized under:
(i) Section 4-41-402; or
(ii) Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(5)
(a) An individual is not guilty under this chapter or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, for the use or possession of marijuana drug paraphernalia if the drug paraphernalia is a medical cannabis device.
(b) Nothing in this section prohibits a person, either within the state or outside the state, from selling a medical cannabis device within the state.
(c) A person is not required to hold a license under Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, to qualify for the protections of this section to sell a medical cannabis device.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-405 Enforcement.
(1) A law enforcement officer, as that term is defined in Section 53-13-103, except for an officially designated drug enforcement task force regarding conduct that is not in accordance with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, may not expend any state or local resources, including the law enforcement officer's time, to:
(a) effect any arrest or seizure of cannabis, as that term is defined in Section 26B-4-201, or conduct any investigation, on the sole basis of activity the law enforcement officer believes to constitute a violation of federal law if the law enforcement officer has reason to believe that the activity is in compliance with the state medical cannabis laws;
(b) enforce a law that restricts an individual's right to acquire, own, or possess a firearm based solely on the individual's possession or use of cannabis in accordance with state medical cannabis laws; or
(c) provide any information or logistical support related to an activity described in Subsection (1)(a) to any federal law enforcement authority or prosecuting entity.
(2) An agency or political subdivision of the state may not take an adverse action against a person for providing a professional service to a medical cannabis pharmacy, as that term is defined in Section 26B-4-201, the state central patient portal, as that term is defined in Section 26B-4-201, or a cannabis production establishment, as that term is defined in Section 4-41a-102, on the sole basis that the service is a violation of federal law.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37-406 Exemption for 7-hydroxymitragyine in kratom products.
(1) As used in this section, "pure leaf kratom" means the same as that term is defined in Section 4-45-102.
(2) Notwithstanding any other provision of this chapter a person who possesses, manufacturers, or distributes pure leaf kratom is not subject to the penalties described in this title or Title 76, Chapter 18, Drug Offenses, for the possession, manufacture, or distribution of 7-hydroxymitragynine to the extent that the person's possession, manufacture, or distribution of the pure leaf kratom complies with Title 4, Chapter 45, Kratom Regulation Act.
(3) Notwithstanding any other provision of this chapter and until March 6, 2027, a person who possesses, manufacturers, or distributes a kratom product in accordance with Subsection 4-45-104(5) is not subject to the penalties described in this title or Title 76, Chapter 18, Drug Offenses, for the possession, manufacture, or distribution of 7-hydroxymitragine.

Enacted by Chapter 480, 2026 General Session

Chapter 37c
Controlled Substance Precursors

Part 1
General Provisions

58-37c-101 Definitions.

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

(1) "Controlled substance precursor" includes a chemical reagent and means any of the following:

(a) Phenyl-2-propanone;
(b) Methylamine;
(c) Ethylamine;
(d) D-lysergic acid;
(e) Ergotamine and its salts;
(f) Diethyl malonate;
(g) Malonic acid;
(h) Ethyl malonate;
(i) Barbituric acid;
(j) Piperidine and its salts;
(k) N-acetylanthranilic acid and its salts;
(l) Pyrrolidine;
(m) Phenylacetic acid and its salts;
(n) Anthranilic acid and its salts;
(o) Morpholine;
(p) Ephedrine;
(q) Pseudoephedrine;
(r) Norpseudoephedrine;
(s) Phenylpropanolamine;
(t) Benzyl cyanide;
(u) Ergonovine and its salts;
(v) 3,4-Methylenedioxyphenyl-2-propanone;
(w) propionic anhydride;
(x) Insosafrole;
(y) Safrole;
(z) Piperonal;
(aa) N-Methylephedrine;
(bb) N-ethylephedrine;
(cc) N-methylpseudoephedrine;
(dd) N-ethylpseudoephedrine;
(ee) Hydriotic acid;

(ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide, 2-oxanolone, tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but not including gamma aminobutric acid (GABA);
(gg) 1,4 butanediol;
(hh) any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (1)(a) through (gg);
(ii) Crystal iodine;
(jj) Iodine at concentrations greater than 1.5% by weight in a solution or matrix;
(kk) Red phosphorous, except as provided in Section 58-37c-205;
(ll) anhydrous ammonia, except as provided in Section 58-37c-206;
(mm) any controlled substance precursor listed under the provisions of the Federal Controlled Substances Act which is designated by the director under the emergency listing provisions set forth in Section 58-37c-110; and
(nn) any chemical which is designated by the director under the emergency listing provisions set forth in Section 58-37c-110.
(2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or attempted transfer of a controlled substance precursor.
(3) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.
(4) "Person" means an individual, group of individuals, proprietorship, partnership, joint venture, corporation, or organization of any type or kind.
(5) "Practitioner" means a physician, physician assistant, dentist, podiatric physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical manufacturer, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state.
(6)
(a) "Regulated distributor" means a person within the state who provides, sells, furnishes, transfers, or otherwise supplies a listed controlled substance precursor chemical in a regulated transaction.
(b) "Regulated distributor" does not include a person excluded from regulation under this chapter.
(7)
(a) "Regulated purchaser" means a person within the state who receives a listed controlled substance precursor chemical in a regulated transaction.
(b) "Regulated purchaser" does not include a person excluded from regulation under this chapter.
(8) "Regulated transaction" means an actual, constructive, or attempted:
(a) transfer, distribution, delivery, or furnishing by a person within the state to another person within or outside of the state of a threshold amount of a listed precursor chemical; or
(b) purchase or acquisition by any means by a person within the state from another person within or outside the state of a threshold amount of a listed precursor chemical.
(9) "Retail distributor" means a grocery store, general merchandise store, drug store, online retailer, or other entity or person whose activities as a distributor are limited almost exclusively to sales for personal use:
(a) in both number of sales and volume of sales; and
(b) either by direct in-store sales or by online sales fulfilled by delivery in-person or curbside pickup.
(10) "Threshold amount of a listed precursor chemical" means any amount of a controlled substance precursor or a specified amount of a controlled substance precursor in a matrix;

however, the division may exempt from the provisions of this chapter a specific controlled substance precursor in a specific amount and in certain types of transactions, which provisions for exemption shall be defined by the division by rule adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(11) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and intentionally:

(a) engaging in a regulated transaction without first being appropriately licensed or exempted from licensure under this chapter;

(b) acting as a regulated distributor and selling, transferring, or in any other way conveying a controlled substance precursor to a person within the state who is not appropriately licensed or exempted from licensure as a regulated purchaser, or selling, transferring, or otherwise conveying a controlled substance precursor to a person outside of the state and failing to report the transaction as required;

(c) acting as a regulated purchaser and purchasing or in any other way obtaining a controlled substance precursor from a person within the state who is not a licensed regulated distributor, or purchasing or otherwise obtaining a controlled substance precursor from a person outside of the state and failing to report the transaction as required;

(d) engaging in a regulated transaction and failing to submit reports and keep required records of inventories required under the provisions of this chapter or rules adopted pursuant to this chapter;

(e) making any false statement in any application for license, in any record to be kept, or on any report submitted as required under this chapter;

(f) with the intent of causing the evasion of the recordkeeping or reporting requirements of this chapter and rules related to this chapter, receiving or distributing any listed controlled substance precursor chemical in any manner designed so that the making of records or filing of reports required under this chapter is not required;

(g) failing to take immediate steps to comply with licensure, reporting, or recordkeeping requirements of this chapter because of lack of knowledge of those requirements, upon becoming informed of the requirements;

(h) presenting false or fraudulent identification where or when receiving or purchasing a listed controlled substance precursor chemical;

(i) creating a chemical mixture for the purpose of evading any licensure, reporting or recordkeeping requirement of this chapter or rules related to this chapter, or receiving a chemical mixture created for that purpose;

(j) if the individual is at least 18 years old, employing, hiring, using, persuading, inducing, enticing, or coercing another individual under 18 years old to violate any provision of this chapter, or assisting in avoiding detection or apprehension for any violation of this chapter by any federal, state, or local law enforcement official; and

(k) obtaining or attempting to obtain or to possess any controlled substance precursor or any combination of controlled substance precursors knowing or having a reasonable cause to believe that the controlled substance precursor is intended to be used in the unlawful manufacture of any controlled substance.

(12) "Unprofessional conduct" as defined in Section 58-1-102 and as may be further defined by rule includes the following:

(a) violation of any provision of this chapter, the Controlled Substance Act of this state or any other state, or the federal Controlled Substance Act; and

(b) refusing to allow agents or representatives of the division or authorized law enforcement personnel to inspect inventories or controlled substance precursors or records or reports

relating to purchases and sales or distribution of controlled substance precursors as such records and reports are required under this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-102 Responsibility of Department of Commerce -- Delegation to the Division of Professional Licensing -- Rulemaking authority of the division.

(1) The Department of Commerce is responsible for the enforcement of the licensing and reporting provisions of this chapter.
(2) The executive director shall delegate specific responsibility within the department to the Division of Professional Licensing.
(3) The division shall make, adopt, amend, and repeal rules necessary for the proper administration and enforcement of this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-103 Division duties.

(1) The division is responsible for the licensing and reporting provisions of this chapter.
(2) The duties described in Subsection (1) include:
  (a) providing for a system of licensure of regulated distributors and regulated purchasers;
  (b) refusing to renew a license or revoking, suspending, restricting, placing on probation, issuing a private or public letter of censure or reprimand, or imposing other appropriate action against a license;
  (c) with respect to the licensure and reporting provisions of this chapter, investigating or causing to be investigated any violation of this chapter by any person and to cause, when necessary, appropriate administrative action with respect to the license of that person;
  (d) presenting evidence obtained from an investigation conducted by an appropriate county attorney and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee;
  (e) conducting hearings for the purpose of revoking, suspending, placing on probation, or imposing other appropriate administrative action against the license of a regulated distributor or regulated purchaser in accordance with the provisions of Title 58, Chapter 1, Division of Professional Licensing Act, and Title 63G, Chapter 4, Administrative Procedures Act;
  (f) assisting all other law enforcement agencies of the state in enforcing all laws regarding controlled substance precursors;
  (g) specifying reports, frequency of reports, and conditions under which reports are to be submitted and to whom reports are to be submitted by regulated distributors and regulated purchasers with respect to transactions involving threshold amounts of controlled substance precursors; and
  (h) performing all other functions necessary to fulfill division duties and responsibilities as outlined under this chapter or rules adopted pursuant to this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-104 Controlled substance precursor license.

(1) The division shall issue to persons qualified under the provisions of this chapter and rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a controlled substance precursor license.

(2) It is unlawful for a person to engage in the distribution, sale, or transfer, or in the purchase or obtaining of a controlled substance precursor in a regulated transaction without being licensed or excepted from licensure under this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-105 License -- Exceptions from licensure or regulation.

(1) A person engaged in a regulated transaction under this chapter shall hold a controlled substance precursor license issued under Section 58-37c-104, unless excepted from licensure under this chapter.
(2) The division shall:
  (a) establish the form of application for a license, the requirements for licensure, and fees for initial licensure and renewal; and
  (b) identify required information to be contained in the application as a condition of licensure.
(3) A practitioner who holds a Utah Controlled Substance License and a Controlled Substance Registration issued by the Drug Enforcement Administration of the United States government is excepted from licensure under this chapter.
(4) The purchase, sale, transfer, furnishing, or receipt of a drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription in accordance with the federal Food, Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act, are excepted from licensure, reporting, and recordkeeping under this chapter, except that products containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to Section 58-37c-208.
(5) The purchase, sale, transfer, receipt, or manufacture of dietary supplements, vitamins, minerals, herbs, or other similar substances, including concentrates or extracts, which are not otherwise prohibited by law, and which may contain naturally occurring amounts of chemicals or substances listed in this chapter, or in rules adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under this chapter.
(6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required to be licensed as a regulated purchaser if the transaction complies with Section 58-37c-202.
(7) The purchase, sale, transfer, receipt, or manufacture of a product that contains a precursor chemical listed in Subsection 58-37c-101(1)(ff) or (gg) and that is not intended for human consumption is exempt from licensure or regulation and is not subject to criminal penalties under this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-106 Term of license -- Expiration -- Renewal.

(1)
  (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
  (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-107 Reporting and recordkeeping -- Penalty.

(1) Any person who engages in a regulated transaction, unless excepted under the provisions of Subsections 58-37c-105(3) and (4), shall submit a report with respect to such transaction and shall maintain records of inventories in accordance with rules adopted by the division.

(2) The division shall provide reporting forms upon which regulated transactions shall be reported.

(3) The division shall furnish copies of reports of transactions under this section to appropriate law enforcement agencies.

(4) The division shall adopt rules regulating:

(a) records that shall be maintained and reports that shall be submitted by regulated distributors and regulated purchasers with respect to listed controlled substance precursors obtained, distributed, and held in inventory;

(b) records that shall be maintained and reports that shall be submitted by regulated distributors and regulated purchasers with respect to extraordinary or unusual regulated transactions and a requirement that in such cases the report must be received at least three working days before transfer of the listed controlled substance precursor;

(c) identification that must be presented by a purchaser of any listed controlled substance precursor before the sale or transfer can be completed and recordkeeping requirements related to such identification presented;

(d) filing by each licensee the identification of all locations where any listed controlled substance precursor is held in inventory or stored and amending such filing when any change in location is made;

(e) reports and actions that must be taken by a regulated distributor or regulated purchaser in the event of any theft, loss, or shortage of a listed controlled substance precursor;

(f) reports and actions that must be taken by a regulated distributor relating to a regulated transaction with an out-of-state purchaser;

(g) reports and actions that must be taken by a regulated purchaser relating to a regulated transaction with an out-of-state distributor; and

(h) regulated transactions to the extent such regulation is reasonable and necessary to protect the public health, safety, or welfare.

(5) A person who engages in a regulated transaction may not accept a driving privilege card issued in accordance with Section 53-3-207 as proof of identification as required under Subsection (4)(c).

(6) Any person who is a regulated distributor or a regulated purchaser who acts in violation of the provisions of this section, in addition to any criminal penalties, shall be subject to a civil penalty of not more than $25,000 for each offense.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-108 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-109 License does not authorize possession of controlled substances.

Nothing in the provisions of this chapter shall authorize a person not licensed under provisions of Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, to distribute, possess, dispense, administer, or otherwise deal in controlled substances as defined in Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-110 Emergency listing provision.

(1) Upon a written finding of cause by the director that the listing of a chemical as a controlled substance precursor is necessary to protect the public health, safety, or welfare, the director may make an emergency listing of that chemical as a controlled substance precursor by adopting a rule pursuant to the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)

(a) A listing of a chemical described in Subsection (1) shall have effect until the close of the next immediately succeeding regular session of the Legislature.

(b) In the event the Legislature adopts the chemical as a controlled precursor by amendment to this chapter, the chemical shall remain listed under emergency provisions until the effective date of the amendment.

(3) Any violation of this chapter dealing with a controlled substance precursor listed under the emergency listing provisions of this section shall constitute a violation subject only to civil or administrative penalties.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-111 Civil forfeiture.

The following shall be subject to forfeiture in accordance with the procedures and substantive protections of Title 77, Chapter 11b, Forfeiture of Seized Property:

(1) all listed controlled substance precursor chemicals regulated under the provisions of this chapter that have been distributed, possessed, or are intended to be distributed or otherwise transferred in violation of any felony provision of this chapter; and

(2) all property used by any person to facilitate, aid, or otherwise cause the unlawful distribution, transfer, possession, or intent to distribute, transfer, or possess a listed controlled substance precursor chemical in violation of any felony provision of this chapter.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-112 Inspection authority.

For the purpose of inspecting, copying, and auditing records and reports required under this chapter and rules adopted under this chapter, and for the purpose of inspecting and auditing inventories of listed controlled substance precursors, the director, or the director's authorized agent, and law enforcement personnel of any federal, state, or local law enforcement agency, are authorized to enter the premises of a regulated distributor or regulated purchaser during normal business hours to conduct an administrative inspection.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-113 Department of Public Safety enforcement authority.

(1) As used in this section, "division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, created in Section 53-10-103.

(2)

(a) The division has authority to enforce this chapter.

(b) To carry out enforcement of this chapter, the division may:

(i) inspect, copy, and audit records, inventories of controlled substance precursors, and reports required under this chapter and rules adopted under this chapter;

(ii) enter the premises of regulated distributors and regulated purchasers during normal business hours to conduct administrative inspections;

(iii) assist the law enforcement agencies of the state in enforcing this chapter;

(iv) conduct investigations to enforce this chapter;

(v) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and

(vi) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-114 Penalty for unlawful conduct.

(1) A violation of an unlawful conduct provision defined in Subsections 58-37c-101(11)(a) through (j) is a class A misdemeanor.

(2) A violation of the unlawful conduct provision defined in Subsection 58-37c-101(11)(k) is a second degree felony.

Renumbered and Amended by Chapter 362, 2026 General Session

Part 2
Provisions Concerning Specific Precursors

58-37c-201 Definitions.

Reserved.

Enacted by Chapter 362, 2026 General Session

58-37c-202 Recordkeeping requirements for sale of crystal iodine -- Penalty.

(1) A person licensed to engage in a regulated transaction and who sells crystal iodine to another person shall:

(a) comply with the recordkeeping requirements of Section 58-37c-107;

(b) require photo identification of the purchaser;

(c) obtain from the purchaser a signature on a certificate of identification provided by the seller; and

(d) obtain from the purchaser a legible fingerprint, preferably of the right thumb, which shall be placed on the certificate next to the purchaser's signature.

(2) Any failure to comply with Subsection (1) is a class B misdemeanor.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-203 Possession or sale of crystal iodine -- Penalty.

(1) A person licensed to engage in a regulated transaction is guilty of a class B misdemeanor if, under circumstances not amounting to a violation of Subsection 76-18-506(2)(c), the person offers to sell, sells, or distributes more than two ounces of crystal iodine to another person who is:
  (a) not licensed as a regulated purchaser of crystal iodine;
  (b) not excepted from licensure; or
  (c) not excepted under Subsection (3).
(2) A person who is not licensed to engage in regulated transactions and not excepted from licensure is guilty of a class A misdemeanor if, under circumstances not amounting to a violation of Subsection 58-37c-101(11)(k) or Subsection 76-18-506(2)(a), the person:
  (a) possesses more than two ounces of crystal iodine; or
  (b) offers to sell, sells, or distributes crystal iodine to another person.
(3) Subsection (2)(a) does not apply to:
  (a) a chemistry laboratory maintained by:
    (i) a public or private regularly established secondary school; or
    (ii) a public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education;
  (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act; or
  (c) a general acute hospital.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-204 Iodine solution greater than 1.5% -- Prescription or permit required -- Penalties.

(1) As used in this section, "iodine matrix" means iodine at concentrations greater than 1.5% by weight in a matrix or solution.
(2) A person may offer to sell, sell, or distribute an iodine matrix only:
  (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or physician licensed within the state; or
  (b) to a person who is actively engaged in the legal practice of animal husbandry of livestock, as defined in Section 4-1-109.
(3) Prescriptions issued under this section:
  (a) shall provide for a specified number of refills;
  (b) may be issued by electronic means, in accordance with Title 58, Chapter 17b, Pharmacy Practice Act; and
  (c) may be filled by a person other than the veterinarian or physician issuing the prescription.
(4) A retailer offering iodine matrix for sale:
  (a) shall store the iodine matrix so that the public does not have access to the iodine matrix without the direct assistance or intervention of a retail employee;
  (b) shall keep a record, which may consist of sales receipts, of each person purchasing iodine matrix; and
  (c) may, if necessary to ascertain the identity of the purchaser, ask for proof of identification from the purchaser.

(5) A person engaging in a regulated transaction under Subsection (2) is guilty of a class B misdemeanor if the person, under circumstances not amounting to a violation of Subsection 76-18-506(2)(c), offers to sell, sells, or distributes an iodine matrix to a person who:
  (a) does not present a prescription or is not engaged in animal husbandry, as required under Subsection (2); or
  (b) is not excepted under Subsection (7).
(6) A person is guilty of a class A misdemeanor if, under circumstances not amounting to a violation of Subsection 58-37c-101(11)(k) or 76-18-506(2)(a), the person:
  (a) possesses an iodine matrix without proof of obtaining the solution in compliance with Subsection (2); or
  (b) offers to sell, sells, or distributes an iodine matrix in violation of Subsection (2).
(7) Subsection (6)(a) does not apply to:
  (a) a chemistry or chemistry-related laboratory maintained by:
    (i) a public or private regularly established secondary school; or
    (ii) a public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education;
  (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice Act;
  (c) a general acute hospital; or
  (d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses an iodine matrix in the regular course of lawful business activities.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-205 Red phosphorus is a precursor -- Penalty -- Affirmative defense.
(1) A person who is not licensed to engage in a regulated transaction and is not excepted from licensure is guilty of a class A misdemeanor if, under circumstances not amounting to a violation of Subsection 58-37c-101(11)(k) or 76-18-506(2)(a), possesses any amount of red phosphorus.
(2) It is an affirmative defense to a charge under Subsection (1) that the person in possession of red phosphorus:
  (a) is conducting a licensed business that involves red phosphorus in the manufacture of any of the following:
    (i) the striking surface used for lighting matches, which is sometimes referred to as the striker plate;
    (ii) flame retardant in polymers; or
    (iii) fireworks, for which the person or entity possesses a federal license to manufacture explosives as required under 27 CFR Chapter II, Part 555, Commerce in Explosives; or
  (b)
    (i) is a wholesaler, manufacturer, warehouseman, or common carrier handling red phosphorus, or is an agent of any of these persons; and
    (ii) possesses the substances in the regular course of lawful business activities.
(3)
  (a)
    (i) A defendant shall provide written notice of intent to claim an affirmative defense under this section as soon as practicable, but not later than 10 days prior to trial.
    (ii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(b) The notice described in Subsection (3)(a)(i) shall include the specifics of the affirmative defense.
(c)
(i) The defendant shall establish the affirmative defense by a preponderance of the evidence.
(ii) If the defense is established, it is a complete defense to the charges.
(4) Subsection (1) does not apply to:
(a) a chemistry or chemistry-related laboratory maintained by:
(i) a public or private regularly established secondary school; or
(ii) a public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education; or
(b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses red phosphorus in the regular course of lawful business activities.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-206 Anhydrous ammonia is a precursor -- Penalty -- Requirements regarding purposes and containers.

(1) A person who is not licensed to engage in a regulated transaction and is not excepted from licensure or exempted under Subsection (2), and who possesses any amount of anhydrous ammonia under circumstances not amounting to a violation of Subsection 58-37c-101(11)(k) or 76-18-506(2)(a), is guilty of a class A misdemeanor.
(2) A person who possesses anhydrous ammonia has an affirmative defense to a charge under Subsection (1) if the person is:
(a) directly involved in or actively operating land in agricultural use as defined in Section 59-2-502;
(b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons, who possesses anhydrous ammonia in the regular course of lawful business activities;
(c) directly involved in or actively operating a business or other lawful activity providing or using anhydrous ammonia for refrigeration applications; or
(d) directly involved in or actively operating a lawful business enterprise, including an industrial enterprise, that uses anhydrous ammonia in the regular course of the lawful business enterprise's business activities.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-207 Possession of ephedrine, pseudoephedrine, or phenylpropanolamine -- Penalties -- Affirmative defense.

(1) A person is guilty of a class A misdemeanor if the person:
(a) is not licensed to engage in regulated transactions and is not excepted from licensure; and
(b) under circumstances not amounting to a violation of Subsection 58-37c-101(11)(k) or 76-18-506(2)(a), possesses more than 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.
(2) It is an affirmative defense to a charge under Subsection (1) that the person in possession of ephedrine, pseudoephedrine, phenylpropanolamine, or a combination of these substances:
(a)

(i) is a physician, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons; and
(ii) possesses the substances in the regular course of lawful business activities; or
(b) possesses the substance pursuant to a valid prescription as defined in Section 58-37-101.
(3)
(a)
(i) A defendant shall provide written notice of intent to claim an affirmative defense under this section as soon as practicable, but not later than 10 days prior to trial.
(ii) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.
(b) The notice described in Subsection (3)(a)(i) shall include the specifics of the asserted defense.
(c)
(i) The defendant shall establish the affirmative defense by a preponderance of the evidence.
(ii) If the defense is established, it is a complete defense to the charges.
(4) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:
(a) are not otherwise prohibited by law; and
(b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:
(i) are contained in a matrix of organic material; and
(ii) do not exceed 15% of the total weight of the natural product.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-208 Pseudoephedrine products -- Limitations on retail sale -- Penalty.

(1) As used in this section:
(a) "Mobile retail vendor" means a person or entity that sells product at retail from a stand that is intended to be temporary, or that is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or is located on unimproved real estate.
(b) "Product" means any product, mixture, or preparation, or any combination of products that contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or isomers, or salts of optical isomers, or a combination of any of these substances.
(2) A retail distributor or a mobile retail vendor may not distribute or sell any product that exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 24-hour period.
(3) A mobile retail vendor may not distribute or sell any product that exceeds the threshold amount of 7.5 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, regardless of the number of transactions, during any 30-day period.
(4) A retail distributor or a mobile retail vendor may not distribute or sell any product, unless the retail distributor or mobile retail vendor:
(a) stores the product in an area not accessible to customers before the sale, which area may include a locked cabinet to display the product in an area accessible to customers, if the locked cabinet may be opened only by the retail distributor or mobile retail vendor or the employees of the retail distributor or mobile retail vendor;
(b) stores all nonliquid scheduled listed chemical products in packaging containing blister packs, with each blister containing no more than two dosage units;

(c) requires the purchaser of the product to provide photo identification issued by a governmental agency and that includes the purchaser's date of birth;
(d) maintains a written or electronic log under Subsection (5) of the sales made under this section; and
(e) provides a notice concerning federal penalties for making false statements or misrepresentations, as provided in Subsection (5)(d).

(5)
(a) Each retail distributor or mobile retail vendor shall maintain an electronic or written log that contains the following information regarding each person to whom product is distributed or sold under this section.
(b) The log described in Subsection (5)(a) shall include:
(i) the following information, provided or written in the log by the purchaser:
(A) the purchaser's name, address, and date of birth, as demonstrated by a form of personal identification issued by the state or the federal government and that provides an identifying photograph of the person;
(B) the date and time of the transaction; and
(C) the purchaser's signature; and
(ii) the following information verified or written in by the retail distributor or the mobile retail vendor:
(A) verification of the identity of the purchaser as indicated by the form of identification presented by the purchaser;
(B) verification that the date and time of the transaction as entered in the log is correct; and
(C) entry of the brand name and the quantity of the product sold in the transaction.
(c) The retail distributor or the mobile retail vendor shall maintain the information required to be recorded in a log under Subsections (5)(a) and (b) for not less than two years from the most recent date contained in the log.
(d) In addition to the log information required under this Subsection (5), the log, or a prominently displayed sign, shall contain the following statement verbatim which shall be visible to purchasers of product:

"WARNING: Section 1001 of Title 18, United States Code, states that whoever, with respect to the information to be provided in this log, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document, knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, shall be fined not more than $250,000 if an individual or $500,000 if an organization, imprisoned for not more than five years, or both."

(6)
(a) A person may not knowingly and intentionally use, release, publish, or otherwise make available to any person or entity any information in or obtained from a log maintained by a retail distributor or a mobile retail vendor under this section for any purpose other than those specified in Subsection (6)(b).
(b) The retail distributor or the retail distributor's designee shall make information in the log available only to:
(i) federal, state, and local law enforcement authorities engaged as a duty of their employment in enforcing laws regulating controlled substances; and
(ii) an individual:
(A) whose request is for records in the log of that individual's purchase or receipt of product; and

(B) who has provided evidence satisfactory to the retail distributor that the individual is in fact the person regarding whom the requested log entry is made.

(c) Any person who knowingly and intentionally releases or modifies any information in the log in violation of this Subsection (6) is guilty of a class B misdemeanor.

(7)

(a) A person may not purchase product that exceeds the threshold amount of 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 24-hour period.

(b) A person may not purchase product that exceeds the threshold amount of 9 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or any combination of these, regardless of the number of transactions, during any 30-day period.

(c) A violation of this Subsection (7) is a class B misdemeanor.

(8) This section does not apply to any quantity of product possessed by:

(a) a physician, pharmacist, veterinarian, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or any agent of these persons, who possess the product in the regular course of lawful business activities; or

(b) a person who possesses the product pursuant to a valid prescription as defined in Section 58-37-101.

(9) This section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(a) are not otherwise prohibited by law; and

(b) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and

(ii) do not exceed 15% of the total weight of the natural product.

(10) This section does not apply to an individual sales transaction in which the purchaser purchases a single package containing no more than 60 mg of pseudoephedrine.

(11)

(a) A violation of this section is a class B misdemeanor, and a second or subsequent violation of this section is a class A misdemeanor.

(b) For purposes of this section, a plea of guilty or no contest to a violation of this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction for a violation of this section, even if the charge has been subsequently reduced or dismissed in accordance with a plea in abeyance agreement.

(c) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37c-209 Online sales of pseudoephedrine -- Electronic tracking system.

(1) As used in this section:

(a) "Electronic tracking system" means the real-time, stop-sale electronic sales tracking system described in Subsection 58-37c-209(2).

(b) "Product" means the same as that term is defined in Section 58-37c-208.

(c) "Stop-sale alert" means an alert an electronic tracking system sends to a retail distributor to stop the sale of a product if the sale would violate Section 58-37c-208 or any other law that prohibits the sale of a product.

(2) Except as provided in Subsection 58-37c-209(4), the division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules, in consultation with the Board of Pharmacy, to:
(a) approve and implement a real-time, stop-sale electronic sales tracking system to monitor the nonprescription sale, including the online sale, of products by a retail distributor; and
(b) establish procedures for the online sale of a product.
(3) The electronic tracking system shall:
(a) be capable of:
(i) allowing a retail distributor or purchaser of a product to electronically submit information to the electronic tracking system before the sale of a product;
(ii) determining whether the sale of the product would violate Section 58-37c-208 or any other law that prohibits the sale of a product;
(iii) sending a stop-sale alert;
(iv) allowing a retail distributor to override a stop-sale alert;
(v) logging each instance of a stop-sale alert override; and
(vi) allowing law enforcement agencies to access the electronic tracking system's records of a sale or attempted sale of a product; and
(b) be free of charge for use by retail distributors and law enforcement agencies.
(4)
(a) If a real-time, stop-sale electronic sales tracking system is not available to the state without charge for accessing the system to the state or retailers, the division is not required to approve and implement an electronic tracking system.
(b) If the division does not approve and implement an electronic tracking system, the online sale of a product is prohibited.
(5) After the division approves an electronic tracking system, the division, in coordination with the Board of Pharmacy, shall notify each retail distributor of the approved electronic tracking system.
(6) A retail distributor shall obtain all required information from the purchaser of a product and submit the information to the electronic tracking system before completing a sale as described in this section.
(7) A retail distributor that participates in the electronic tracking system may not complete a sale for which the electronic tracking system sends a stop-sale alert.
(8) Records a retail distributor submits to the electronic tracking system are for the confidential use of the retail distributor, except that the retail distributor shall:
(a) produce the records in court when required by law;
(b) make the records available for inspection by the division and the board; and
(c) make the records available to:
(i) the Criminal Investigations and Technical Services Division of the Department of Public Safety created in Section 53-10-103, for the purpose of enforcing this chapter; and
(ii) federal law enforcement officers.
(9) The rules the division makes to implement the electronic tracking system shall:
(a) establish the minimum requirements for the electronic tracking system;
(b) establish regulations for use of, and access to, the electronic tracking system;
(c) establish exceptions to the prohibition in Subsection 58-37c-209(7), including:
(i) if a pharmacist or an employee of a retail distributor has a reasonable fear of imminent bodily harm if the sale is not completed; and
(ii) if a retail distributor experiences a mechanical or electronic failure of the electronic tracking system; and

(d) require a retail distributor to submit the following to the electronic tracking system for each online sale of a product:
(i) the purchaser's name and address;
(ii) the purchaser's signature, either on a written form or stored electronically in the electronic tracking system, attesting to the validity of all information the purchaser provides in the electronic tracking system;
(iii) the type of identification the purchaser presented in accordance with Section 58-37c-208;
(iv) the identification number and name of the government entity that issued the identification described in Subsection 58-37c-209(9)(d)(iii);
(v) the date and time of the sale of the product; and
(vi) the name and quantity of the product sold.

(10) A retail distributor that participates in the electronic tracking system is not liable for civil damages that are the result of:
(a) any act or omission in carrying out the requirements of this section, rules the division makes in accordance with this section, or Section 58-37c-208, except for an act or omission that constitutes gross negligence or willful misconduct; and
(b) a data breach that was proximately caused by the electronic tracking system's failure to take reasonable care through the use of industry standard levels of encryption to guard against unauthorized access to account information that is in the possession or control of the electronic tracking system.

Enacted by Chapter 159, 2026 General Session

Chapter 37e
Drug Dealer Liability

58-37e-101 Definitions.

As used in this chapter:

(1) "Illegal drug" means a drug or controlled substance whose distribution is a violation of state law.
(2) "Illegal drug market" means the support system of illegal drug-related operations, from production to retail sales, through which an illegal drug reaches the user.
(3) "Illegal drug market target community" is the area described in Section 58-37e-106.
(4) "Individual drug user" means the individual whose illegal drug use is the basis of an action brought under this chapter.
(5) "Level 1 offense" means:
(a) possession of 16 ounces or more of a mixture containing a specified illegal drug;
(b) distribution of four ounces or more of a mixture containing a specified illegal drug;
(c) possession of 16 pounds or more, or 100 plants or more, of marijuana; or
(d) distribution of 10 pounds or more of marijuana.
(6) "Level 2 offense" means:
(a) possession of eight ounces or more, but less than 16 ounces, of a mixture containing a specified illegal drug;
(b) distribution of two ounces or more, but less than four ounces, of a mixture containing a specified illegal drug;

(c) possession of eight pounds or more, or 75 plants or more, but less than 16 pounds or 100 plants, of marijuana; or
(d) distribution of more than five pounds, but less than 10 pounds, of marijuana.
(7) "Level 3 offense" means:
(a) possession of four ounces or more, but less than eight ounces, of a mixture containing a specified illegal drug;
(b) distribution of one ounce or more, but less than two ounces, of a mixture containing a specified illegal drug;
(c) possession of four pounds or more, or 50 plants or more, but less than eight pounds or 75 plants, of marijuana; or
(d) distribution of more than one pound, but less than five pounds of marijuana.
(8) "Level 4 offense" means:
(a) possession of 1/4 ounce or more, but less than four ounces, of a mixture containing a specified illegal drug;
(b) distribution of less than one ounce of a mixture containing a specified illegal drug;
(c) possession of one pound or more, or 25 plants or more, but less than four pounds or 50 plants, of marijuana; or
(d) distribution of less than one pound of marijuana.
(9)
(a) "Participate in the illegal drug market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of an illegal drug.
(b) "Participate in the illegal drug market" does not include the purchase or receipt of an illegal drug for personal use only.
(10)
(a) "Period of illegal drug use" means, in relation to the individual drug user, the time of the individual's first use of an illegal drug to the accrual of the cause of the action.
(b) The period of illegal drug use is presumed to commence two years before the cause of action accrues unless the defendant proves otherwise by clear and convincing evidence.
(11) "Person" means an individual, governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association, existing under or authorized by the laws of this state, another state, or foreign country.
(12) "Place of illegal drug activity" means, in relation to the individual drug user, each county in which the individual possesses or uses an illegal drug or in which the individual resides, attends school, or is employed during the period of the individual's illegal drug use, unless the defendant proves otherwise by clear and convincing evidence.
(13) "Place of participation" means, in relation to a defendant in an action brought under this chapter, each county in which the person participates in the illegal drug market or in which the person resides, attends school, or is employed during the period of the person's participation in the illegal drug market.
(14) "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other controlled substance, the distribution of which is a violation of state law.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-102 Liability for participation in the illegal drug market -- Exemption.
(1)

(a) A person who knowingly participates in the illegal drug market within this state is liable for civil damages as provided in this chapter.
(b) A person may recover damages under this chapter for injury resulting from an individual's use of an illegal drug.
(2) A law enforcement officer or agency, the state, or a person acting at the direction of a law enforcement officer or agency or the state, is not liable for participating in the illegal drug market, if the participation is in furtherance of an official investigation.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-103 Recovery of damages.
(1) One or more of the following persons may bring an action for damages caused by an individual's use of an illegal drug:
(a) a parent, legal guardian, child, spouse, or sibling of the individual drug user;
(b) an individual who was exposed to an illegal drug in utero;
(c) an employer of the individual drug user;
(d) a medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise expended money on behalf of the individual drug user; or
(e) a person injured as a result of the willful, reckless, or negligent actions of an individual drug user.
(2) A person entitled to bring an action under this section may seek damages from one or more of the following:
(a) a person who knowingly distributed, or knowingly participated in the chain of distribution of, an illegal drug that was actually used by the individual drug user; and
(b) a person who knowingly participated in the illegal drug market if:
(i) the place of illegal drug activity by the individual drug user is within the illegal drug market target community of the defendant;
(ii) the defendant's participation in the illegal drug market was connected with the same type of illegal drug used by the individual drug user; and
(iii) the defendant participated in the illegal drug market at any time during the individual drug user's period of illegal drug use.
(3) A person entitled to bring an action under this section may recover all of the following damages:
(a) economic damages, including the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug use;
(b) noneconomic damages, including physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services and consortium, and other nonpecuniary losses proximately caused by an individual's use of an illegal drug;
(c) exemplary damages;
(d) reasonable attorney fees; and
(e) costs of suit, including reasonable expenses for expert testimony.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-104 Limited recovery of damages by individual drug user.
(1)

(a) An individual drug user may not bring an action for damages caused by the use of an illegal drug, except as otherwise provided in this section.
(b) An individual drug user may bring an action for damages caused by the use of an illegal drug only if all of the following conditions are met:
(i) the individual personally discloses to narcotics enforcement authorities, more than six months before filing the action, all of the information known to the individual regarding all that individual's sources of illegal drugs;
(ii) the individual has not used an illegal drug within the six months before filing the action; and
(iii) the individual continues to remain free of the use of an illegal drug throughout the pendency of the action.
(2) An individual entitled to bring an action under this section may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.
(3) An individual entitled to bring an action under this section may recover only the following damages:
(a) economic damages, including the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the individual's illegal drug use;
(b) reasonable attorney's fees; and
(c) costs of suit, including reasonable expenses for expert testimony.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-105 Third party cases.

A third party may not pay damages awarded under this chapter, or provide a defense or money for a defense, on behalf of an insured under a contract of insurance or indemnification.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-106 Illegal drug market target community.

A person whose participation in the illegal drug market constitutes the following level offense shall be considered to have the following illegal drug market target community:
(1) Level 4: the county in which the defendant's place of participation is situated;
(2) Level 3: the target community described in Subsection (1) plus all counties with a border contiguous to that target community;
(3) Level 2: the target community described in Subsection (2) plus all counties with a border contiguous to that target community;
(4) Level 1: the state.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-107 Joinder of parties.

(1) Two or more persons may join in one action under this chapter as plaintiffs if their respective actions have at least one place of illegal drug activity in common and if any portion of the period of illegal drug use overlaps with the period of illegal drug use for every other plaintiff.
(2) Two or more persons may be joined in one action under this chapter as defendants if those persons are liable to at least one plaintiff.
(3)

(a) A plaintiff need not be interested in obtaining, and a defendant need not be interested in defending, against all the relief demanded.
(b) Judgment may be given for one or more plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-108 Comparative responsibility.

(1)
(a) An action by an individual drug user is governed by the principles of comparative responsibility.
(b) Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.
(2) The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.
(3) Comparative responsibility may not be applied in an action brought by a third party who was not an individual drug user.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-109 Contribution among and recovery from multiple defendants.

(1) A person subject to liability under this chapter has a right of action for contribution against another person subject to liability under this chapter.
(2) Contribution may be enforced either in the original action or by a separate action brought for that purpose.
(3) A plaintiff may seek recovery in accordance with this chapter and existing law against a person whom a defendant has asserted a right of contribution.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-110 Standard of proof -- Effect of criminal drug conviction.

(1)
(a) Proof of participation in the illegal drug market in an action brought under this chapter shall be shown by clear and convincing evidence.
(b) Except as otherwise provided in this chapter, other elements of the cause of action shall be shown by a preponderance of the evidence.
(2)
(a) A person against whom recovery is sought who has a criminal conviction pursuant to state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513, 84 Stat. 1236, codified at 21 U.S.C. Sec. 801 et seq., is estopped from denying participation in the illegal drug market.
(b) A conviction is also prima facie evidence of the person's participation in the illegal drug market during the two years preceding the date of an act giving rise to a conviction.
(3) The absence of a criminal drug conviction of a person against whom recovery is sought does not bar an action against that person.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-111 Prejudgment attachment and execution on judgments.

(1)
(a) A plaintiff under this chapter, subject to Subsection (3), may request an ex parte prejudgment writ of attachment from the court pursuant to Utah Rules of Civil Procedure, Rule 64A, against all assets of a defendant sufficient to satisfy a potential award.
(b) If attachment is instituted, a defendant is entitled to an immediate hearing.
(c) Attachment may be lifted if the defendant:
(i) demonstrates that the assets will be available for a potential award; or
(ii) posts a bond sufficient to cover a potential award.

(2) A person against whom a judgment has been rendered under this chapter is not eligible to exempt any property, of whatever kind, from process to levy or process to execute on the judgment, unless the property is exempt by operation of law.

(3) Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-112 Statute of limitations.

(1)
(a) Except as otherwise provided in this section, a claim under this chapter may not be brought more than two years after the cause of action accrues.
(b) A cause of action accrues under this chapter when a person who may recover has reason to know of the harm from illegal drug use that is the basis for the cause of action and has reason to know that the illegal drug use is the cause of the harm.

(2)
(a) For a plaintiff, the statute of limitations under this section is tolled while the individual potential plaintiff is incapacitated by the use of an illegal drug to the extent that the individual cannot reasonably be expected to seek recovery under this chapter or as otherwise provided by law.
(b) For a defendant, the statute of limitations under this section is tolled until six months after the individual potential defendant is convicted of a criminal drug offense or as otherwise provided by law.

(3) The statute of limitations under this chapter for a claim based on participation in the illegal drug market that occurred before May 5, 1997, does not begin to run until May 5, 1997.

Renumbered and Amended by Chapter 362, 2026 General Session

58-37e-113 Representation of governmental entities -- Stay of action.

(1) A county attorney, district attorney, or city attorney may represent any political subdivision of the state, and the attorney general may represent the state in an action brought under this chapter.

(2) On motion by a governmental agency involved in a drug investigation or prosecution, an action brought under this chapter shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action.

Renumbered and Amended by Chapter 362, 2026 General Session

Chapter 37f
Controlled Substance Database Act

Part 1
General Provisions

58-37f-101 Title.

This chapter is known as the "Controlled Substance Database Act."

Enacted by Chapter 287, 2010 General Session

58-37f-102 Definitions.

(1) The definitions in Section 58-37-101 apply to this chapter.
(2) As used in this chapter:
(a) "Board" means the Utah State Board of Pharmacy created in Section 58-17b-201.
(b) "Business associate" is as defined under the HIPAA privacy, security, and breach notification rules in 45 C.F.R. 164.502(a), 164.504(e), and 164.532(d) and (e).
(c) "Database" means the controlled substance database created in Section 58-37f-201.
(d) "De-identified" is as defined in 45 C.F.R. 164.502(d) and 164.514(a), (b), and (c).
(e) "Health care facility" is as defined in Section 26B-2-201.
(f) "Mental health therapist" is as defined in Section 58-60-102.
(g) "Pharmacy" or "pharmaceutical facility" is as defined in Section 58-17b-102.
(h) "Prospective patient" means an individual who:
(i) is seeking medical advice, medical treatment, or medical services from a practitioner; and
(ii) the practitioner described in Subsection (2)(h)(i) is considering accepting as a patient.
(i) "Substance abuse treatment program" is as defined in Section 26B-2-101.

Amended by Chapter 362, 2026 General Session

Part 2
Controlled Substance Database

58-37f-201 Controlled substance database -- Creation -- Purpose.

(1) There is created within the division a controlled substance database.
(2) The division shall administer and direct the functioning of the database in accordance with this chapter.
(3) The division may, under state procurement laws, contract with another state agency or a private entity to establish, operate, or maintain the database.
(4) The division shall, in collaboration with the board, determine whether to operate the database within the division or contract with another entity to operate the database, based on an analysis of costs and benefits.
(5) The purpose of the database is to contain:
(a) the data described in Section 58-37f-203 regarding prescriptions for dispensed controlled substances;

(b) data reported to the division under Section 26B-2-225 regarding poisoning or overdose;
(c) data reported to the division under Subsection 41-6a-502(5) or 41-6a-502.5(5)(b) regarding convictions for driving under the influence of a prescribed controlled substance or impaired driving; and
(d) data reported to the division under Subsection 76-18-207(8), 76-18-208(8), 76-18-209(9), 76-18-210(9), 76-18-211(7), 76-18-212(6), or 76-18-213(6) regarding certain violations of Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

(6) The division shall maintain the database in an electronic file or by other means established by the division to facilitate use of the database for identification of:
(a) prescribing practices and patterns of prescribing and dispensing controlled substances;
(b) practitioners prescribing controlled substances in an unprofessional or unlawful manner;
(c) individuals receiving prescriptions for controlled substances from licensed practitioners, and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance;
(d) individuals presenting forged or otherwise false or altered prescriptions for controlled substances to a pharmacy;
(e) individuals admitted to a general acute hospital for poisoning or overdose involving a prescribed controlled substance; and
(f) individuals convicted for:
(i) driving under the influence of a prescribed controlled substance that renders the individual incapable of safely operating a vehicle;
(ii) driving while impaired, in whole or in part, by a prescribed controlled substance; or
(iii) certain violations of Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a violation described in a statute previously in effect in this state that is the same or substantially similar to a violation described in Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances.

Amended by Chapter 362, 2026 General Session

58-37f-202 Duties of board in relation to the database.

The board shall advise the division regarding:
(1) establishing, maintaining, and operating the database;
(2) access to the database and how access is obtained; and
(3) control of information contained in the database.

Enacted by Chapter 287, 2010 General Session

58-37f-203 Submission, collection, and maintenance of data.

(1)
(a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to submit information:
(i) real-time submission of the information required to be submitted under this part to the controlled substance database; and

(ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.

(b) A pharmacist shall comply with either:

(i) the submission time requirements established by the division under Subsection (1)(a)(i); or

(ii) the submission time requirements established by the division under Subsection (1)(a)(ii).

(c) Notwithstanding the time requirements described in Subsection (1)(a), a pharmacist may submit corrections to data that the pharmacist has submitted to the controlled substance database within seven business days after the day on which the division notifies the pharmacist that data is incomplete or corrections to the data are otherwise necessary.

(d) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

(2)

(a) The pharmacist-in-charge and the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division in accordance with:

(i) the requirements of this section;

(ii) the procedures established by the division;

(iii) additional types of information or data fields established by the division; and

(iv) the format established by the division.

(b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with the provisions of this section and the dispensing medical practitioner shall assume the duties of the pharmacist under this chapter.

(3)

(a) Except as provided in Subsection (3)(b), the pharmacist-in-charge and the pharmacist described in Subsection (2)(a) shall, for each controlled substance dispensed by a pharmacist under the pharmacist's supervision, submit to the division any type of information or data field established by the division by rule in accordance with Subsection (6) regarding:

(i) each controlled substance that is dispensed by the pharmacist or under the pharmacist's supervision; and

(ii) each noncontrolled substance that is:

(A) designated by the division under Subsection (8)(a); and

(B) dispensed by the pharmacist or under the pharmacist's supervision.

(b) Subsection (3)(a) does not apply to a drug that is dispensed for administration to, or use by, a patient at a health care facility, including a patient in an outpatient setting at the health care facility.

(4) An individual whose records are in the database may obtain those records upon submission of a written request to the division.

(5)

(a) A patient whose record is in the database may contact the division in writing to request correction of any of the patient's database information that is incorrect.

(b) The division shall grant or deny the request within 30 days from receipt of the request and shall advise the requesting patient of its decision within 35 days of receipt of the request.

(c) If the division denies a request under this Subsection (5) or does not respond within 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days after the patient's written request for a correction under this Subsection (5).

(6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish submission requirements under this part, including:

(a) electronic format;

(b) submission procedures; and

(c) required information and data fields.
(7) The division shall ensure that the database system records and maintains for reference:
(a) the identification of each individual who requests or receives information from the database;
(b) the information provided to each individual; and
(c) the date and time that the information is requested or provided.
(8)
(a) The division, in collaboration with the Utah Controlled Substance Advisory Committee created in Section 58-38a-201, shall designate a list of noncontrolled substances described in Subsection (8)(b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) To determine whether a prescription drug should be designated in the schedules of controlled substances under this chapter, the division may collect information about a prescription drug as defined in Section 58-17b-102 that is not designated in the schedules of controlled substances under this chapter.

Amended by Chapter 340, 2021 General Session

Part 3
Access and Utilization

58-37f-301 Access to database.
(1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) effectively enforce the limitations on access to the database as described in this part; and
(b) establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information without request from the database.
(2) The division shall make information in the database and information obtained from other state or federal prescription monitoring programs by means of the database available only to the following individuals, in accordance with the requirements of this chapter and division rules:
(a)
(i) personnel of the division specifically assigned to conduct investigations related to controlled substance laws under the jurisdiction of the division; and
(ii) the following law enforcement officers, but the division may only provide nonidentifying information, limited to gender, year of birth, and postal ZIP code, regarding individuals for whom a controlled substance has been prescribed or to whom a controlled substance has been dispensed:
(A) a law enforcement agency officer who is engaged in a joint investigation with the division; and
(B) a law enforcement agency officer to whom the division has referred a suspected criminal violation of controlled substance laws;
(b) authorized division personnel engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment;
(c) a board member if:
(i) the board member is assigned to monitor a licensee on probation; and
(ii) the board member is limited to obtaining information from the database regarding the specific licensee on probation;

(d) a person the division authorizes to obtain that information on behalf of the Utah Professionals Health Program established in Subsection 58-4a-103(1) if:
(i) the person the division authorizes is limited to obtaining information from the database regarding the individual whose conduct is the subject of the division's consideration; and
(ii) the conduct that is the subject of the division's consideration includes a violation or a potential violation of Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a violation described in a statute previously in effect in this state that is the same or substantially similar to a violation described in Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or another relevant violation or potential violation under this title;
(e) in accordance with a written agreement entered into with the department, employees of the Department of Health and Human Services:
(i) whom the director of the Department of Health and Human Services assigns to conduct scientific studies regarding the use or abuse of controlled substances, if the identity of the individuals and pharmacies in the database are confidential and are not disclosed in any manner to any individual who is not directly involved in the scientific studies;
(ii) when the information is requested by the Department of Health and Human Services in relation to a person or provider whom the Department of Health and Human Services suspects may be improperly obtaining or providing a controlled substance; or
(iii) in the medical examiner's office;
(f) in accordance with a written agreement entered into with the department, a designee of the director of the Department of Health and Human Services, who is not an employee of the Department of Health and Human Services, whom the director of the Department of Health and Human Services assigns to conduct scientific studies regarding the use or abuse of controlled substances in accordance with an application process established in rule by the Department of Health and Human Services, if:
(i) the designee provides explicit information to the Department of Health and Human Services regarding the purpose of the scientific studies;
(ii) the scientific studies to be conducted by the designee:
(A) fit within the responsibilities of the Department of Health and Human Services for health and welfare;
(B) are reviewed and approved by an Institutional Review Board that is approved for human subject research by the United States Department of Health and Human Services;
(C) are not conducted for profit or commercial gain; and
(D) are conducted in a research facility, as defined by division rule, that is associated with a university or college accredited by one or more regional or national accrediting agencies recognized by the United States Department of Education;
(iii) the designee protects the information as a business associate of the Department of Health and Human Services; and
(iv) the identity of the prescribers, patients, and pharmacies in the database are de-identified, confidential, and not disclosed in any manner to the designee or to any individual who is not directly involved in the scientific studies;
(g) in accordance with a written agreement entered into with the department and the Department of Health and Human Services, authorized employees of a managed care organization, as defined in 42 C.F.R. Sec. 438, if:
(i) the managed care organization contracts with the Department of Health and Human Services under the provisions of Section 26B-3-202 and the contract includes provisions that:

(A) require a managed care organization employee who will have access to information from the database to submit to a criminal background check; and

(B) limit the authorized employee of the managed care organization to requesting either the division or the Department of Health and Human Services to conduct a search of the database regarding a specific Medicaid enrollee and to report the results of the search to the authorized employee; and

(ii) the information is requested by an authorized employee of the managed care organization in relation to an individual who is enrolled in the Medicaid program with the managed care organization, and the managed care organization suspects the individual may be improperly obtaining or providing a controlled substance;

(h) a licensed practitioner having authority to prescribe controlled substances, to the extent the information:

(i)

(A) relates specifically to a current or prospective patient of the practitioner; and

(B) is provided to or sought by the practitioner for the purpose of:

(I) prescribing or considering prescribing any controlled substance to the current or prospective patient;

(II) diagnosing the current or prospective patient;

(III) providing medical treatment or medical advice to the current or prospective patient; or

(IV) determining whether the current or prospective patient:

(Aa) is attempting to fraudulently obtain a controlled substance from the practitioner; or

(Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the practitioner;

(ii)

(A) relates specifically to a former patient of the practitioner; and

(B) is provided to or sought by the practitioner for the purpose of determining whether the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a controlled substance from the practitioner;

(iii) relates specifically to an individual who has access to the practitioner's Drug Enforcement Administration identification number, and the practitioner suspects that the individual may have used the practitioner's Drug Enforcement Administration identification number to fraudulently acquire or prescribe a controlled substance;

(iv) relates to the practitioner's own prescribing practices, except when specifically prohibited by the division by administrative rule;

(v) relates to the use of the controlled substance database by an employee of the practitioner, described in Subsection (2)(i); or

(vi) relates to any use of the practitioner's Drug Enforcement Administration identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a controlled substance;

(i) in accordance with Subsection (3)(a), an employee of a practitioner described in Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

(i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;

(ii) the practitioner provides written notice to the division of the identity of the employee; and

(iii) the division grants the employee access to the database;

(j) an employee of the same business that employs a licensed practitioner under Subsection (2)(h) if:

(i) the employee is designated by the practitioner as an individual authorized to access the information on behalf of the practitioner;
(ii) the practitioner and the employing business provide written notice to the division of the identity of the designated employee; and
(iii) the division grants the employee access to the database;
(k) a licensed pharmacist having authority to dispense a controlled substance, or a licensed pharmacy intern or pharmacy technician working under the general supervision of a licensed pharmacist, to the extent the information is provided or sought for the purpose of:
(i) dispensing or considering dispensing any controlled substance;
(ii) determining whether a person:
(A) is attempting to fraudulently obtain a controlled substance from the pharmacy, practitioner, or health care facility; or
(B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled substance from the pharmacy, practitioner, or health care facility;
(iii) reporting to the controlled substance database; or
(iv) verifying the accuracy of the data submitted to the controlled substance database on behalf of a pharmacy where the licensed pharmacist, pharmacy intern, or pharmacy technician is employed;
(l) in accordance with a valid search warrant, federal, state, and local law enforcement officers and state and local prosecutors who are engaged in an investigation related to:
(i) one or more controlled substances; and
(ii) a specific person that is a subject of the investigation;
(m) subject to Subsection (7), a probation or parole officer, employed by the Division of Adult Probation and Parole created in Section 64-14-202 or by a political subdivision, to gain access to database information necessary for the officer's supervision of a specific probationer or parolee who is under the officer's direct supervision;
(n) employees of the Office of Internal Audit within the Department of Health and Human Services who are engaged in their specified duty of ensuring Medicaid program integrity under Section 26B-3-104;
(o) a mental health therapist, if:
(i) the information relates to a patient who is:
(A) enrolled in a licensed substance abuse treatment program; and
(B) receiving treatment from, or under the direction of, the mental health therapist as part of the patient's participation in the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A);
(ii) the information is sought for the purpose of determining whether the patient is using a controlled substance while the patient is enrolled in the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A); and
(iii) the licensed substance abuse treatment program described in Subsection (2)(o)(i)(A) is associated with a practitioner who:
(A) is a physician, a physician assistant, an advance practice registered nurse, or a pharmacist; and
(B) is available to consult with the mental health therapist regarding the information obtained by the mental health therapist, under this Subsection (2)(o), from the database;
(p) an individual who is the recipient of a controlled substance prescription entered into the database, upon providing evidence satisfactory to the division that the individual requesting the information is in fact the individual about whom the data entry was made;

(q) an individual under Subsection (2)(p) for the purpose of obtaining a list of the persons and entities that have requested or received any information from the database regarding the individual, except if the individual's record is subject to a pending or current investigation as authorized under this Subsection (2);

(r) the inspector general, or a designee of the inspector general, of the Office of Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in Title 63A, Chapter 13, Part 2, Office and Powers;

(s) the following licensed physicians for the purpose of reviewing and offering an opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

(i) a member of the medical panel described in Section 34A-2-601;

(ii) a physician employed as medical director for a licensed workers' compensation insurer or an approved self-insured employer; or

(iii) a physician offering a second opinion regarding treatment;

(t) members of Utah's Opioid Fatality Review Committee, for the purpose of reviewing a specific fatality due to opioid use and recommending policies to reduce the frequency of opioid use fatalities;

(u) a licensed pharmacist who is authorized by a managed care organization as defined in Section 31A-1-301 to access the information on behalf of the managed care organization, if:

(i) the managed care organization believes that an enrollee of the managed care organization has obtained or provided a controlled substance in violation of a medication management program contract between the enrollee and the managed care organization; and

(ii) the managed care organization included a description of the medication management program in the enrollee's outline of coverage described in Subsection 31A-22-605(7); and

(v) the Utah Medicaid Fraud Control Unit of the attorney general's office for the purpose of investigating active cases, in exercising the unit's authority to investigate and prosecute Medicaid fraud, abuse, neglect, or exploitation under 42 U.S.C. Sec. 1396b(q).

(3)

(a) A practitioner described in Subsection (2)(h) may designate one or more employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).

(b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) establish background check procedures to determine whether an employee designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;

(ii) establish the information to be provided by an emergency department employee under Subsection (4); and

(iii) facilitate providing controlled substance prescription information to a third party under Subsection (5).

(c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or (4)(c) access to the database, unless the division determines, based on a background check, that the employee poses a security risk to the information contained in the database.

(4)

(a) An individual who is employed in the emergency department of a hospital may exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if the individual is designated under Subsection (4)(c) and the licensed practitioner:

(i) is employed or privileged to work in the emergency department;

(ii) is treating an emergency department patient for an emergency medical condition; and

(iii) requests that an individual employed in the emergency department and designated under Subsection (4)(c) obtain information regarding the patient from the database as needed in the course of treatment.

(b) The emergency department employee obtaining information from the database shall, when gaining access to the database, provide to the database the name and any additional identifiers regarding the requesting practitioner as required by division administrative rule established under Subsection (3)(b).

(c) An individual employed in the emergency department under this Subsection (4) may obtain information from the database as provided in Subsection (4)(a) if:

(i) the employee is designated by the hospital as an individual authorized to access the information on behalf of the emergency department practitioner;

(ii) the hospital operating the emergency department provides written notice to the division of the identity of the designated employee; and

(iii) the division:

(A) grants the employee access to the database; and

(B) provides the employee with a password that is unique to that employee to access the database.

(d) The division may impose a fee, in accordance with Section 63J-1-504, on a practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to pay for the costs incurred by the division to conduct the background check and make the determination described in Subsection (3)(b).

(5)

(a)

(i) An individual may request that the division provide the information under Subsection (5)(b) to a third party who is designated by the individual each time a controlled substance prescription for the individual is dispensed.

(ii) The division shall upon receipt of the request under this Subsection (5)(a) advise the individual in writing that the individual may direct the division to discontinue providing the information to a third party and that notice of the individual's direction to discontinue will be provided to the third party.

(b) The information the division shall provide under Subsection (5)(a) is:

(i) the fact a controlled substance has been dispensed to the individual, but without identifying the controlled substance; and

(ii) the date the controlled substance was dispensed.

(c)

(i) An individual who has made a request under Subsection (5)(a) may direct that the division discontinue providing information to the third party.

(ii) The division shall:

(A) notify the third party that the individual has directed the division to no longer provide information to the third party; and

(B) discontinue providing information to the third party.

(6)

(a) An individual who is granted access to the database based on the fact that the individual is a licensed practitioner or a mental health therapist shall be denied access to the database when the individual is no longer licensed.

(b) An individual who is granted access to the database based on the fact that the individual is a designated employee of a licensed practitioner shall be denied access to the database when the practitioner is no longer licensed.

(7) A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(m).
(8) The division shall review and adjust the database programming which automatically logs off an individual who is granted access to the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:
(a) to protect patient privacy;
(b) to reduce inappropriate access; and
(c) to make the database more useful and helpful to a person accessing the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an emergency department.
(9) A person that knowingly and intentionally accesses the database without express authorization under this section is guilty of a class A misdemeanor.

Amended by Chapter 64, 2026 General Session

58-37f-302 Other restrictions on access to database.
(1) A person who is a relative of a deceased individual is not entitled to access information from the database relating to the deceased individual based on the fact or claim that the person is:
(a) related to the deceased individual; or
(b) subrogated to the rights of the deceased individual.
(2) Except as provided in Subsections (3) and (4), data provided to, maintained in, or accessed from the database that may be identified to, or with, a particular person is not subject to discovery, subpoena, or similar compulsory process in a civil, judicial, administrative, or legislative proceeding, nor shall an individual or organization with lawful access to the data be compelled to testify with regard to the data.
(3) The restrictions described in Subsection (2) do not apply to a civil, judicial, or administrative action brought:
(a) to enforce the provisions of this chapter; or
(b) against a managed care organization, as defined in 42 C.F.R. Sec. 438.2, if:
(i) the action is related to Medicaid coverage;
(ii) the managed care organization has entered into a written agreement with the Department of Health as described in Subsection 58-37f-301(2)(g); and
(iii) the division and the Department of Health agree in writing not to apply the restrictions described in Subsection (2).
(4)
(a) Subject to the requirements of this Subsection (4), in a state criminal proceeding a court may:
(i) order the release of information contained in the database if the court determines good cause has been shown in accordance with Rule 16, Utah Rules of Criminal Procedure; and
(ii) at any time order that information released under this Subsection (4) be restricted, limited, or restrained from further dissemination as the court determines is appropriate.
(b) Upon the motion of a defendant, a court may only issue an order compelling the production of database information under this Subsection (4) that pertains to a victim if the court finds upon notice as provided in Subsection (4)(c), and after a hearing, that the defendant is entitled to production of the information under applicable state and federal law.
(c) A motion by a defendant for database information pertaining to a victim shall be served by the defendant on:
(i) the prosecutor and on counsel for the victim or victim's representative; or
(ii) the prosecutor if the victim is unrepresented by counsel.

(d) Upon a defendant's motion for database information pertaining to a victim, if the court determines that good cause exists to order release of database information pertaining to the victim, the court shall conduct an in camera review of the database information and may only disclose to the defense and prosecution those portions of database information that are relevant to the state criminal proceeding.

Amended by Chapter 104, 2021 General Session

58-37f-303 Access to controlled substance prescription information via an electronic data system.

(1) As used in this section:
(a) "Controlled substance" means any substance listed in Subsection 58-37-108(2)(b) through(2)(e).
(b) "Dispense" means the same as that term is defined in Section 58-17b-102.
(c) "EDS user":
(i) means:
(A) a prescriber;
(B) a pharmacist;
(C) a pharmacy intern;
(D) a pharmacy technician; or
(E) an individual granted access to the database under Subsection 58-37f-301(3)(c); and
(ii) does not mean an individual whose access to the database has been revoked by the division in accordance with Subsection 58-37f-301(5)(c).
(d) "Electronic data system" means a software product or an electronic service used by:
(i) a prescriber to manage electronic health records; or
(ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general supervision of a licensed pharmacist, for the purpose of:
(A) managing the dispensing of prescription drugs; or
(B) providing pharmaceutical care as defined in Section 58-17b-102 to a patient.
(e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
(f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-101, who is licensed under Section 58-37-105 to prescribe a controlled substance.
(g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
(2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall make controlled substance prescription information in the database available to an EDS user via the user's electronic data system.
(3) An electronic data system may be used to make controlled substance prescription information in the database available to an EDS user only if the electronic data system complies with rules the division makes in accordance with Subsection (4).
(4)
(a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:
(i) an electronic data system's:
(A) allowable access to and use of controlled substance prescription information in the database; and
(B) minimum actions that shall be taken to ensure that controlled substance prescription information accessed from the database is protected from inappropriate disclosure or use; and

(ii) an EDS user's:
(A) allowable access to controlled substance prescription information in the database via an electronic data system; and
(B) allowable use of the information.
(b) The rules shall establish:
(i) minimum user identification requirements that in substance are the same as the database identification requirements in Section 58-37f-301;
(ii) user access restrictions that in substance are the same as the database identification requirements in Section 58-37f-301; and
(iii) any other requirements necessary to ensure that in substance the provisions of Sections 58-37f-301 and 58-37f-302 apply to controlled substance prescription information in the database that has been made available to an EDS user via an electronic data system.
(5) The division may not make controlled substance prescription information in the database available to an EDS user via the user's electronic data system if:
(a) the electronic data system does not comply with the rules the division makes in accordance with Subsection (4); or
(b) the EDS user does not comply with the rules established by the division under Subsection (4).
(6)
(a) The division shall periodically audit the use of controlled substance prescription information made available to an EDS user via the user's electronic data system.
(b) The audit shall review compliance by:
(i) the electronic data system with rules established by the division under Subsection (4); and
(ii) the EDS user with rules established by the division under Subsection (4).
(c)
(i) If the division determines by audit or other means that an electronic data system is not in compliance with rules the division makes in accordance with Subsection (4), the division shall immediately suspend or revoke the electronic data system's access to controlled substance prescription information in the database.
(ii) If the division determines by audit or other means that an EDS user is not in compliance with rules the division makes in accordance with Subsection (4), the division shall immediately suspend or revoke the EDS user's access to controlled substance prescription information in the database via an electronic data system.
(iii) If the division suspends or revokes access to controlled substance prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take any other appropriate corrective or disciplinary action this chapter or title authorizes.

Amended by Chapter 64, 2026 General Session

58-37f-304 Database utilization.
(1) As used in this section:
(a) "Dispenser" means a licensed pharmacist, as described in Section 58-17b-303, the pharmacist's licensed intern, as described in Section 58-17b-304, or licensed pharmacy technician, as described in Section 58-17b-305, working under the supervision of a licensed pharmacist who is also licensed to dispense a controlled substance under Chapter 37, Controlled Substances.
(b) "Outpatient" means a setting in which an individual visits a licensed healthcare facility or a healthcare provider's office for a diagnosis or treatment but is not admitted to a licensed healthcare facility for an overnight stay.

(c) "Prescriber" means an individual authorized to prescribe a controlled substance under Chapter 37, Controlled Substances.
(d) "Schedule II opioid" means those substances listed in Subsection 58-37-108(2)(b)(i) or (2)(b)(ii).
(e) "Schedule III opioid" means those substances listed in Subsection 58-37-108(2)(c) that are opioids.
(2)
(a) A prescriber shall check the database for information about a patient before the first time the prescriber gives a prescription to a patient for a Schedule II opioid or a Schedule III opioid.
(b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid to a patient, the prescriber shall periodically review information about the patient in:
(i) the database; or
(ii) other similar records of controlled substances the patient has filled.
(c) A prescriber may assign the access and review required under Subsection (2)(a) to one or more employees in accordance with Subsections 58-37f-301(2)(i) and (j).
(d)
(i) A prescriber may comply with the requirements in Subsections (2)(a) and (b) by checking an electronic health record system if the electronic health record system:
(A) is connected to the database through a connection that the division approves; and
(B) displays the information from the database in a prominent manner for the prescriber.
(ii) The division may not approve a connection to the database if the connection does not satisfy the requirements the division makes in accordance with Section 58-37f-301.
(e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the failure to comply with Subsection (2)(a) or (b):
(i) is necessary due to an emergency situation as the division defines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) is caused by a suspension or disruption in the operation of the database; or
(iii) is caused by a failure in the operation or availability of the internet.
(f) The division may not take action against the license of a prescriber for failure to comply with this Subsection (2) unless the failure occurs after the earlier of:
(i) December 31, 2018; or
(ii) the date that the division has the capability to establish a connection that meets the requirements the division makes in accordance with Section 58-37f-301 between the database and an electronic health record system.
(3) The division shall, in collaboration with the licensing boards for prescribers and dispensers:
(a) develop a system that gathers and reports to prescribers and dispensers the progress and results of the prescriber's and dispenser's individual access and review of the database, as provided in this section; and
(b) reduce or waive the division's continuing education requirements regarding opioid prescriptions, described in Section 58-37-303, including the online tutorial and test relating to the database, for prescribers and dispensers whose individual utilization of the database, as the division determines, demonstrates substantial compliance with this section.
(4) If the dispenser's access and review of the database suggest that the individual seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with generally recognized standards as provided in this section and Section 58-37f-201, the dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed, current,

and professional decision regarding whether the prescribed opioid is medically justified, notwithstanding the results of the database search.

(5)

(a) The division shall review the database to identify any prescriber who has a pattern of prescribing opioids not in accordance with the recommendations of:

(i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the Centers for Disease Control and Prevention;

(ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain, published by the Department of Health and Human Services; or

(iii) other publications describing best practices related to prescribing opioids as the division identifies in rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the Medical Licensing Board.

(b) The division shall offer education to a prescriber identified under this Subsection (5) regarding best practices in the prescribing of opioids.

(c) A decision by a prescriber to accept or not accept the education the division offers under this Subsection (5) is voluntary.

(d) The division may not use an identification the division has made under this Subsection (5) or the decision by a prescriber to accept or not accept education the division offers under this Subsection (5) in a licensing investigation or action by the division.

(e) Any record the division creates as a result of this Subsection (5) is a protected record under Section 63G-2-305.

(6) The division may consult with a prescriber or health care system to assist the prescriber or health care system in following evidence-based guidelines regarding the prescribing of controlled substances, including the recommendations listed in Subsection (5)(a).

Amended by Chapter 64, 2026 General Session

Part 4
Registration and Training

58-37f-401 Database registration required -- Penalties for failure to register.

(1) Each individual, other than a veterinarian, who, on June 30, 2010, has a license to prescribe a controlled substance under Chapter 37, Controlled Substances, but is not registered with the division to use the database shall, on or before September 30, 2010, register with the division to use the database.

(2)

(a) An individual who is not a veterinarian, who obtains a new license to prescribe a controlled substance under Chapter 37, Controlled Substances, shall, within 30 days after the day on which the individual obtains a license to prescribe a controlled substance from the Drug Enforcement Administration, register with the division to use the database.

(b) An individual who is not a veterinarian may not renew a license to prescribe a controlled substance under Chapter 37, Controlled Substances, unless the individual registers with the division to use the database.

(3) Beginning on November 2, 2012, in order to register to use the database, the individual registering must participate in the online tutorial and pass the online test described in Section 58-37f-402.

(4) Failure by an individual to comply with the requirements of this section is grounds for the division to take the following actions in accordance with Section 58-1-401:
(a) refuse to issue a license to the individual;
(b) refuse to renew the individual's license; or
(c) revoke, suspend, restrict, or place on probation the license.
(5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, impose an annual database registration fee on an individual who registers to use the database, to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Amended by Chapter 362, 2026 General Session

58-37f-402 Online tutorial and test relating to the database -- Fees -- Rulemaking authority -- Continuing professional education credit.

(1) The division shall develop an online tutorial and an online test for registration to use the database that provides instruction regarding, and tests, the following:
(a) the purpose of the database;
(b) how to access and use the database; and
(c) the law relating to:
(i) the use of the database; and
(ii) the information submitted to, and obtained from, the database.
(2) The division shall design the test described in this section as follows:
(a) an individual shall answer all of the questions correctly in order to pass the test;
(b) an individual shall be permitted to immediately retake the portion of the test that the individual answers incorrectly as many times as necessary for the individual to pass the test; and
(c) after an individual takes the test, the test software shall:
(i) immediately inform the individual of the number of questions that were answered incorrectly;
(ii) provide the correct answers;
(iii) replay the portion of the tutorial that relates to the incorrectly answered questions; and
(iv) ask the individual the incorrectly answered questions again.
(3) The division shall design the tutorial and test so that an individual may complete the tutorial and test within 20 minutes, if the individual answers all of the questions correctly on the first attempt.
(4) The division shall ensure that the tutorial and test described in this section are fully functional and available for use online on or before November 1, 2010.
(5) The division shall impose a fee, in accordance with Section 63J-1-504, on an individual who takes the test described in this section, to pay the costs the division incurs to:
(a) develop, implement, and administer the tutorial and test described in this section; and
(b) fulfill the other duties imposed on the division under this part.
(6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) develop, implement, and administer the tutorial and test described in this section; and
(b) fulfill the other duties imposed on the division under this part.
(7) The Department of Health and Human Services shall assist the division in developing the portion of the test described in Subsection (1)(d).

Amended by Chapter 64, 2026 General Session

Part 5
Costs and Funding

58-37f-501 Costs of operating database and recording and submitting data.

(1) All department and division costs necessary to establish and operate the database shall be funded by appropriations from:
  (a) the Commerce Service Account; and
  (b) the General Fund.
(2) All costs associated with recording and submitting data as required in this chapter shall be assumed by the submitting pharmacy.

Amended by Chapter 287, 2010 General Session, (Coordination Clause)
Enacted by Chapter 287, 2010 General Session

58-37f-502 Use of dedicated credits -- Controlled Substance Database -- Collection of penalties.

(1) The director may use the money deposited in the General Fund as a dedicated credit under Subsections 58-37-304(16), 58-37-310(8)(a), 58-37f-601(3)(d), and 58-37f-602(2) for the following purposes:
  (a) maintenance and replacement of the database equipment, including hardware and software;
  (b) training of staff; and
  (c) pursuit of external grants and matching funds.
(2) The director of the division may collect any penalty imposed under Subsections 58-37-304(16), 58-37-310(8)(a), 58-37f-601(3)(d), and 58-37f-602(2) and which is not paid by:
  (a) referring the matter to the Office of State Debt Collection or a collection agency; or
  (b) bringing an action in the district court of the county in which the person owing the debt resides or in the county where the office of the director is located.
(3) The director may seek legal assistance from the attorney general or the county or district attorney of the district in which the action is brought to collect the fine.
(4) The court shall award reasonable attorney fees and costs to the division for successful collection actions under Subsection (2)(b).

Amended by Chapter 362, 2026 General Session

Part 6
Penalties

58-37f-601 Unlawful release or use of database information -- Criminal and civil penalties.

(1)
  (a) Any person who knowingly and intentionally releases:
    (i) any information in the database or any information obtained from other state or federal prescription monitoring programs by means of the database in violation of the limitations under Part 3, Access and Utilization, is guilty of a third degree felony; or
    (ii) any information in the database accessed under Section 58-37f-303 by an electronic data system, or accessed by a person via an electronic data system, in violation of rules established by the division under Subsection 58-37f-303(4) is guilty of a third degree felony.

(b) Any person who negligently or recklessly releases:
(i) any information in the database or any information obtained from other state or federal prescription monitoring programs by means of the database in violation of the limitations under Part 3, Access and Utilization, is guilty of a class C misdemeanor; or
(ii) any information in the database accessed under Section 58-37f-303 by an electronic data system, or accessed by a person via an electronic data system, in violation of rules established by the division under Subsection 58-37f-303(4) is guilty of a class C misdemeanor.

(2)
(a) Any person who obtains or attempts to obtain the following by misrepresentation or fraud is guilty of a third degree felony:
(i) information from the database;
(ii) information from any other state or federal prescription monitoring program by means of the database; or
(iii) information from the database or any other state or federal prescription monitoring program via an electronic data system under Section 58-37f-303.
(b) Any person who obtains or attempts to obtain information from the database, including via an electronic data system under Section 58-37f-303 that has access to the database, for a purpose other than a purpose authorized by this chapter or by rule is guilty of a third degree felony.

(3)
(a) Except as provided in Subsection (3)(e), a person may not knowingly and intentionally use, release, publish, or otherwise make available to any other person the following information for any purpose other than those specified in Part 3, Access and Utilization:
(i) information obtained from the database;
(ii) information obtained from any other state or federal prescription monitoring program by means of the database; or
(iii) information in the database accessed under Section 58-37f-303 by:
(A) an electronic data system; or
(B) a person via an electronic data system.
(b) Each separate violation of this Subsection (3) is a third degree felony and is also subject to a civil penalty not to exceed $5,000.
(c) The procedure for determining a civil violation of this Subsection (3) is in accordance with Section 58-1-108, regarding adjudicative proceedings within the division.
(d) Civil penalties assessed under this Subsection (3) shall be deposited in the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).
(e) This Subsection (3) does not prohibit a person who obtains information from the database under Subsection 58-37f-301(2) (h), (i), (k), or (4)(c) from:
(i) including the information in the person's medical chart or file for access by a person authorized to review the medical chart or file; or
(ii) providing the information to a person in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996.

Amended by Chapter 112, 2016 General Session
Amended by Chapter 238, 2016 General Session

58-37f-602 Failure by pharmacist to submit information -- Penalties.

(1) The failure of a pharmacist-in-charge, a pharmacy, or a third party under contract with a pharmacist-in-charge to submit information to the database in accordance with the requirements of Section 58-37f-203, after the division has submitted a specific written request for the information or when the division determines the pharmacist-in-charge, pharmacy, or third party has a demonstrable pattern of failing to submit the information as required, is grounds for the division to take the following actions in accordance with Section 58-1-401:
(a) refuse to issue a license to the pharmacist-in-charge or the pharmacy;
(b) refuse to renew the license of the pharmacist-in-charge or the pharmacy;
(c) revoke, suspend, restrict, or place on probation the license of the pharmacist-in-charge or the pharmacy;
(d) issue a public reprimand to the pharmacist-in-charge or the pharmacy;
(e) issue a cease and desist order to the pharmacist-in-charge, the pharmacy, or the third party; and
(f) impose a civil penalty on the pharmacist-in-charge, the pharmacy, or the third party of up to $1,000 for each dispensed prescription regarding which the required information is not submitted in accordance with the requirements of Section 58-37f-203.
(2) Civil penalties assessed under Subsection (1)(f) shall be deposited in the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).
(3) The procedure for determining a civil violation of this section shall be in accordance with Section 58-1-108, regarding adjudicative proceedings within the division.

Amended by Chapter 123, 2018 General Session

Part 7
Miscellaneous

58-37f-701 Immunity from liability.
(1) An individual who has submitted information to or accessed and reviewed the database in accordance with this chapter may not be held civilly liable, including under Title 78B, Chapter 3, Part 4, Utah Health Care Malpractice Act, for such actions, or a lack of action, which are protected and are not subject to civil discovery, as provided in Section 58-37f-302.
(2) Nothing in Section 58-37f-304 establishes a minimum standard of care for prescribers and dispensers.

Amended by Chapter 327, 2018 General Session

58-37f-702 Reporting prescribed controlled substance poisoning or overdose to a practitioner.
(1)
(a) The division shall take the actions described in Subsection (1)(b) if the division receives a report from a general acute hospital under Section 26B-2-225 regarding admission to a general acute hospital for poisoning or overdose involving a prescribed controlled substance.
(b) The division shall, within five business days after the day on which a report in Subsection (1)(a) is received:
(i) attempt to identify, through the database, each practitioner who may have prescribed the controlled substance to the patient; and

(ii) alert each practitioner identified under Subsection (1)(b)(i) concerning the information described in this Subsection (1).

(2)

(a) When the division receives a report from the medical examiner under Section 26B-8-210 regarding a death caused by poisoning or overdose involving a prescribed controlled substance, for each practitioner the medical examiner identifies under Subsection 26B-8-210(1)(c), the division:

(i) shall, within five business days after the day on which the division receives the report, provide the practitioner with a copy of the report; and

(ii) may offer the practitioner an educational visit to review the report.

(b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).

(c) The division may not use, in a licensing investigation or action by the division:

(i) information from an educational visit described in Subsection (2)(a)(ii); or

(ii) a practitioner's decision to decline an educational visit described in Subsection (2)(a)(ii).

(3) It is the intent of the Legislature that the information provided under Subsection (1) or (2) is provided for the purpose of assisting the practitioner in:

(a) discussing with the patient or others issues relating to the poisoning or overdose;

(b) advising the patient or others of measures that may be taken to avoid a future poisoning or overdose; and

(c) making decisions regarding future prescriptions written for the patient or others.

(4) Any record the division creates as a result of an educational visit described in Subsection (2)(a)(ii) is a protected record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(5) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, increase the licensing fee described in Subsection 58-37-105(1)(b) to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Amended by Chapter 64, 2026 General Session

58-37f-703 Entering certain convictions into the database and reporting them to practitioners.

(1) When the division receives a report from a court under Subsection 41-6a-502(5) or 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while impaired by, a prescribed controlled substance, the division shall:

(a) within five business days enter into the database the information supplied in the report, including the date on which the person was convicted;

(b) attempt to identify, through the database, each practitioner who may have prescribed the controlled substance to the convicted person; and

(c) alert each practitioner identified under Subsection (1)(b) concerning the information described in this Subsection (1).

(2) It is the intent of the Legislature that the information provided under Subsection (1)(b) is provided for the purpose of assisting the practitioner in:

(a) discussing the manner in which the controlled substance may impact the convicted person's driving;

(b) advising the convicted person on measures that may be taken to avoid adverse impacts of the controlled substance on future driving; and

(c) making decisions regarding future prescriptions written for the convicted person.

(3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, increase the licensing fee described in Subsection 58-37-105(1)(b) to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Amended by Chapter 64, 2026 General Session

58-37f-704 Entering certain convictions into the database.

Beginning October 1, 2016, if the division receives a report from a court under Subsection 76-18-207(8), 76-18-208(8), 76-18-209(9), 76-18-210(9), 76-18-211(7), 76-18-212(6), or 76-18-213(6), the division shall daily enter into the database the information supplied in the report.

Amended by Chapter 362, 2026 General Session

Chapter 38a
Controlled Substances Advisory Committee Act

Part 1
General Provisions

58-38a-101 Title.

This chapter is referred to as the "Controlled Substances Advisory Committee Act."

Enacted by Chapter 231, 2010 General Session

58-38a-102 Definitions.

(1) "Committee" means the Controlled Substances Advisory Committee created in this chapter.
(2) "Controlled substance schedule" or "schedule" means a schedule as defined under Section 58-37-108.

Amended by Chapter 362, 2026 General Session

Part 2
Controlled Substances Advisory Committee

58-38a-201 Controlled Substances Advisory Committee.

There is created within the Division of Professional Licensing the Controlled Substances Advisory Committee. The committee consists of:
(1) the director of the Department of Health and Human Services or the director's designee;
(2) the State Medical Examiner or the examiner's designee;
(3) the commissioner of the Department of Public Safety or the commissioner's designee;
(4) the director of the Bureau of Forensic Services created in Section 53-10-401, or the director's designee;
(5) the director of the Utah Poison Control Center or the director's designee;

(6) one physician who is a member of the Medical Licensing Board and is designated by that board;
(7) one pharmacist who is a member of the Utah State Board of Pharmacy and is designated by that board;
(8) one dentist who is a member of the Dentist and Dental Hygienist Licensing Board and is designated by that board;
(9) one physician who is currently licensed and practicing in the state, to be appointed by the governor;
(10) one psychiatrist who is currently licensed and practicing in the state, to be appointed by the governor;
(11) one individual with expertise in substance abuse addiction, to be appointed by the governor;
(12) one representative from the Statewide Association of Prosecutors, to be designated by that association;
(13) one naturopathic physician who is currently licensed and practicing in the state, to be appointed by the governor;
(14) one advanced practice registered nurse who is currently licensed and practicing in this state, to be appointed by the governor; and
(15) one member of the public, to be appointed by the governor.

Amended by Chapter 507, 2024 General Session

58-38a-202 Terms of committee service.
(1)
(a) Members of the advisory committee shall serve terms of four years, except that the members under Subsections 58-38a-201(1), (2), (3), and (4) shall serve during their terms as appointed officials.
(b) Vacancies in the committee occurring otherwise than by the expiration of a term shall be filled for the unexpired term in the same manner as original appointments.
(2) A member 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.
(3)
(a) The director of the Department of Health, or the director's designee, is the chair of the committee.
(b) The advisory committee meets at the call of the chair or at the call of a majority of the committee members.
(c) The advisory committee meets annually and more often as required to carry out its duties under this chapter.
(d) Seven members of the advisory committee constitute a quorum.
(e) Action by the committee requires a majority vote of a quorum.

Amended by Chapter 26, 2020 General Session

58-38a-203 Duties of the committee.
(1) The committee serves as a consultative and advisory body to the Legislature regarding:
(a) the movement of a controlled substance from one schedule or list to another;

(b) the removal of a controlled substance from any schedule or list; and
(c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule or list.
(2) On or before September 30 of each year, the committee shall submit to the Health and Human Services Interim Committee a written report:
(a) describing any substances recommended by the committee for scheduling, rescheduling, listing, or deletion from the schedules or list by the Legislature; and
(b) stating the reasons for the recommendation.
(3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a substance, the committee shall consider:
(a) the actual or probable abuse of the substance, including:
(i) the history and current pattern of abuse both in Utah and in other states;
(ii) the scope, duration, and significance of abuse;
(iii) the degree of actual or probable detriment to public health which may result from abuse of the substance; and
(iv) the probable physical and social impact of widespread abuse of the substance;
(b) the biomedical hazard of the substance, including:
(i) its pharmacology, including the effects and modifiers of the effects of the substance;
(ii) its toxicology, acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence; and
(iii) the risk to public health and the particular susceptibility of segments of the population;
(c) whether the substance is an immediate precursor, as defined in Section 58-37-101, of a substance that is currently a controlled substance;
(d) the current state of scientific knowledge regarding the substance, including whether there is any acceptable means to safely use the substance under medical supervision;
(e) the relationship between the use of the substance and criminal activity, including whether:
(i) persons engaged in illicit trafficking of the substance are also engaged in other criminal activity;
(ii) the nature and relative profitability of manufacturing or delivering the substance encourages illicit trafficking in the substance;
(iii) the commission of other crimes is one of the recognized effects of abuse of the substance; and
(iv) addiction to the substance relates to the commission of crimes to facilitate the continued use of the substance;
(f) whether the substance has been scheduled by other states; and
(g) whether the substance has any accepted medical use in treatment in the United States.
(4) The committee's duties under this chapter do not include tobacco products as defined in Section 59-14-102 or alcoholic beverages as defined in Section 32B-1-102.

Amended by Chapter 362, 2026 General Session

58-38a-204 Guidelines for scheduling or listing drugs.
(1)
(a) The committee shall recommend placement of a substance in Schedule I if it finds:
(i) that the substance has high potential for abuse; and
(ii) that an accepted standard has not been established for safe use in treatment for medical purposes.

(b) The committee may recommend placement of a substance in Schedule I under Section 58-37-108 if it finds that the substance is classified as a controlled substance in Schedule I under federal law.

(2)

(a) The committee shall recommend placement of a substance in Schedule II if it finds that:

(i) the substance has high potential for abuse;

(ii) the substance has a currently accepted medical use in treatment in the United States, or a currently accepted medical use subject to severe restrictions; and

(iii) the abuse of the substance may lead to severe psychological or physiological dependence.

(b) The committee may recommend placement of a substance in Schedule II if it finds that the substance is classified as a controlled substance in Schedule II under federal law.

(3)

(a) The committee shall recommend placement of a substance in Schedule III if it finds that:

(i) the substance has a potential for abuse that is less than the potential for substances listed in Schedules I and II;

(ii) the substance has a currently accepted medical use in treatment in the United States; and

(iii) abuse of the substance may lead to moderate or low physiological dependence or high psychological dependence.

(b) The committee may recommend placement of a substance in Schedule III if it finds that the substance is classified as a controlled substance in Schedule III under federal law.

(4)

(a) The committee shall recommend placement of a substance in Schedule IV if it finds that:

(i) the substance has a low potential for abuse relative to substances in Schedule III;

(ii) the substance has currently accepted medical use in treatment in the United States; and

(iii) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule III.

(b) The committee may recommend placement of a substance in Schedule IV if it finds that the substance is classified as a controlled substance in Schedule IV under federal law.

(5)

(a) The committee shall recommend placement of a substance in Schedule V if it finds that:

(i) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(ii) the substance has currently accepted medical use in treatment in the United States; and

(iii) the substance has limited physiological dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

(b) The committee may recommend placement of a substance in Schedule V under this chapter if it finds that the substance is classified as a controlled substance in Schedule V under federal law.

(6) The committee may recommend placement of a substance on a controlled substance list if it finds that the substance has a potential for abuse and that an accepted standard has not been established for safe use in treatment for medical purposes.

Amended by Chapter 362, 2026 General Session

Chapter 40

Recreational Therapy Practice Act

Part 1
General Provisions

58-40-101 Title.

This chapter is known as the "Recreational Therapy Practice Act."

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-102 Definitions.

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

(1) "Approved" means approval by the division in collaboration with the board when used to refer to a licensing requirement.

(2)

(a) "Assessment" means:

(i) a systematic collection of data to identify the strengths and limitations of a person's physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities; and

(ii) interpreting and analyzing collected data to identify and determine a course of action for recreational therapy services for a patient.

(b) "Assessment" includes:

(i) a record review;

(ii) the implementation of standardized and non-standardized instruments, tests, and measurements; and

(iii) the skilled observation and interview of a person.

(3) "Board" means the Board of Recreational Therapy created in Section 58-40-201.

(4) "Practice of recreational therapy" means to engage in the paid performance of providing recreational therapy services according to the therapeutic recreation process to a person with an emotional, social, intellectual, or physical pathology.

(5) "Recreational therapy" or "therapeutic recreation" means a person-centered process that uses recreation and psychoeducational activities as intervention tools to improve the physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an illness or a disability.

(6)

(a) "Recreational therapy services" means using recreation and psychoeducational activities as intervention tools to improve or maintain the physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an illness or a disability.

(b) "Recreational therapy services" include:

(i) assessing a person's need for recreational therapy treatment or intervention;

(ii) developing an individualized treatment or intervention plan that identifies goals, objectives, and treatment strategies for a person;

(iii) implementing the individualized treatment or intervention plan;

(iv) documenting a person's response to the individualized treatment or intervention plan, including documenting the overall outcome of the person's treatment;

(v) regularly evaluating a person's response to the individualized treatment or intervention plan and modifying the plan when appropriate;

(vi) in collaboration with a person, the person's family, or other team members, developing a discharge or transition plan for the person;
(vii) serving as a resource to help a person find recreation opportunities that will promote the person's physical, cognitive, social, behavioral, emotional, or spiritual health and well-being; and
(viii) organizing and managing recreational services according to a written plan of operation as defined by rule of the division.
(7) "Treatment or intervention plan" means a written record containing the information required by Section 58-40-602, which is composed for each patient by a person licensed under this chapter as a master therapeutic recreation specialist or a therapeutic recreation specialist.
(8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-40-501.
(9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-40-502.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 82, 2012 General Session

Part 2
Board

58-40-201 Board.

(1) There is created the Board of Recreational Therapy, consisting of:
(a) two master therapeutic recreation specialists;
(b) one therapeutic recreation specialist;
(c) one therapeutic recreation technician; and
(d) one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3)
(a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
(b) In addition, the board shall designate one of its members on a permanent rotating basis to:
(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(ii) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of a complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding relating to the complaint.

Renumbered and Amended by Chapter 82, 2012 General Session

Part 3

Licensing

58-40-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of recreational therapy, except as specifically provided in Section 58-40-305 or 58-1-307.

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of:

(a) master therapeutic recreation specialist;

(b) therapeutic recreation specialist; or

(c) therapeutic recreation technician.

Enacted by Chapter 82, 2012 General Session

58-40-302 Qualifications for licensure.

(1) An applicant for licensure under this chapter shall:

(a) submit an application in a form prescribed by the division; and

(b) pay a fee determined by the department under Section 63J-1-504.

(2) In addition to the requirements of Subsection (1), an applicant for licensure as a master therapeutic recreation specialist under this chapter shall as defined by division rule:

(a) complete an approved graduate degree;

(b) complete 4,000 qualifying hours of paid experience as:

(i) a licensed therapeutic recreation specialist if completed in the state; or

(ii) a certified therapeutic recreation specialist certified in good standing by the National Council for Therapeutic Recreation Certification if completed outside of the state; and

(c) pass an approved examination.

(3) In addition to the requirements of Subsection (1), an applicant for licensure as a therapeutic recreation specialist under this chapter shall, as defined by division rule:

(a)

(i) complete an approved:

(A) bachelor's degree in therapeutic recreation or recreational therapy;

(B) bachelor's degree with an approved emphasis, option, or concentration in therapeutic recreation or recreational therapy; or

(C) graduate degree;

(ii) complete an approved practicum; and

(iii) pass an approved examination; or

(b) document proof of current certification in good standing as a Certified Therapeutic Recreation Specialist by the National Council for Therapeutic Recreation Certification, or an equivalence of that certification, as determined by division rule made in consultation with the board.

(4) In addition to the requirements of Subsection (1), an applicant for licensure as a therapeutic recreation technician under this chapter shall, as defined by division rule:

(a) complete an approved:

(i) educational course in therapeutic recreation taught by a licensed master therapeutic recreation specialist; or

(ii) six semester hours or nine quarter hours in therapeutic recreation or recreational therapy from an accredited college or university;

(b) complete an approved practicum under the supervision of:

(i) a licensed master therapeutic recreation specialist; or

(ii) an on-site, full-time, employed therapeutic recreation specialist; and
(c) complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 420, 2024 General Session

58-40-303 Term of license -- Expiration -- Renewal.
(1) The division shall issue a license under this chapter in accordance with a two-year renewal cycle established by rule.
(2) The division may, by rule, extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
(3) A license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-304 Continuing education.
(1) In collaboration with the board, the division shall make rules to provide that as a condition precedent for license renewal, a licensee shall complete continuing education requirements during each license period.
(2) In addition to a continuing education requirement provided by the division under Subsection (1), the division shall require a licensee, as a condition of renewal of the licensee's license, to complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 77, 2015 General Session

58-40-305 Exemptions from licensure.
In addition to the exemptions from licensure in Section 58-1-307, a person may conduct or participate in a recreational activity without being licensed under this chapter if the person is using the recreational activity for the sole outcome of the recreational experience and is not using recreational activity as a therapeutic intervention following the therapeutic recreation process.

Enacted by Chapter 82, 2012 General Session

Part 4
License Denial and Discipline

58-40-401 Grounds for denial of license -- Disciplinary proceedings.
Grounds for refusing to issue a license to an applicant, for refusal to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 82, 2012 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-40-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) providing, leading, facilitating, teaching, or offering to provide or teach recreational therapy services unless licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-40-305; and

(2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign relating to the practice of recreational therapy services unless licensed under this chapter.

Amended by Chapter 339, 2020 General Session

58-40-502 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) failing to supervise a therapeutic recreation technician, a student intern, or a temporarily licensed therapeutic recreation specialist when required to do so under this chapter or by rule;

(2) failing to keep or maintain a recreational therapy treatment plan;

(3) failing to safeguard a person's right to privacy as to the person's identity, condition, diagnosis, personal effects, or other matters about which the licensee is privileged to know from providing recreational therapy services;

(4) failing to report to the division the unsafe, unethical, or illegal practice of a person who is providing recreational therapy services;

(5) making sexual advances to a patient, requesting sexual intercourse or sexual favors from a patient, or engaging in other verbal or physical conduct of a sexual nature in the presence of a patient;

(6) exploiting a patient or former patient for personal gain;

(7) possessing or dispensing illegal or non-prescribed prescription drugs or medications;

(8) using or being under the influence of alcohol or an illegal or non-prescribed prescription drug or medication while performing recreational therapy services; and

(9) other actions as defined by division rule.

Enacted by Chapter 82, 2012 General Session

Part 6
Scope of Practice - Treatment or Intervention Plans

58-40-601 Scope of practice.

(1) A master therapeutic recreation specialist licensed under this chapter may:

(a) practice recreational therapy:

(i) as an employee of a hospital, clinic, agency, or other facility;

(ii) in private practice; or

(iii) as a consultant; and

(b) supervise and train other licensees under this chapter.

(2) A therapeutic recreation specialist licensed under this chapter:

(a) may practice recreational therapy as the employee of a hospital, clinic, agency, or other facility;
(b) may not practice recreational therapy in private practice or as a consultant; and
(c) may supervise other licensees under this chapter.
(3) A therapeutic recreation technician:
(a) may perform recreational therapy services if:
(i) under the supervision of a master therapeutic recreation specialist or a therapeutic recreation specialist employed full-time and on-site in the same hospital, clinic, or facility; or
(ii) in consultation with a master therapeutic recreation specialist;
(b) may maintain the ongoing documentation of services provided in accordance with a treatment or intervention plan if:
(i) under the supervision of either a master therapeutic recreation specialist or a therapeutic recreation specialist employed full-time and on-site in the same hospital, clinic, or facility; or
(ii) in consultation with a master therapeutic recreation specialist;
(c) may perform the portion of an assessment described in Subsection 58-40-102(2)(a)(i);
(d) may not perform the portion of an assessment described in Subsection 58-40-102(2)(a)(ii);
(e) may not prescribe or create a treatment or intervention plan; and
(f) may not approve or cosign a modification to a treatment or intervention plan.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-602 Recreational therapy treatment or intervention plans.
(1) A recreational therapy treatment or intervention plan shall be maintained for each patient receiving recreational therapy services under this chapter.
(2) The treatment or intervention plan shall include:
(a) goals and objectives for a patient that are developed from an assessment based on the strengths and limitations of the patient's physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities;
(b) the selection and adaptation of interventions designed to achieve and maintain the highest possible level of functional independence and quality of life for a patient;
(c) a schedule for regular evaluation of goals and objectives to make changes to the treatment or intervention plan when required; and
(d) expected outcomes related to the goals and objectives.

Renumbered and Amended by Chapter 82, 2012 General Session

Chapter 40a
Athletic Trainer Licensing Act

Part 1
General Provisions

58-40a-101 Title.
This chapter is known as the "Athletic Trainer Licensing Act."

Enacted by Chapter 206, 2006 General Session

58-40a-102 Definitions.

As used in this chapter:

(1) "Adequate records" means legible records that contain, at a minimum:
  (a) the athletic training service plan or protocol;
  (b) an evaluation of objective findings;
  (c) the plan of care and the treatment records; and
  (d) written orders.
(2) "Athlete" means an individual who participates in or performs an exercise, a sport, an occupational activity, or a game that requires physical strength, agility, flexibility, range of motion, speed, or stamina, and the exercise, sport, occupational activity, or game is of a type generally conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.
(3) "Athletic injury" means:
  (a) an injury an athlete sustains that affects the athlete's participation or performance in an exercise, a sport, a game, or an occupational activity; or
  (b) a condition that is within the scope of practice for athletic training that a licensed physician, a licensed nurse practitioner, a licensed physician's assistant, or a licensed physical therapist identifies as benefitting from an athletic training service.
(4) "Athletic trainer" means an individual who is licensed under this chapter and performs within the scope of practice for athletic training.
(5) "Board" means the Athletic Trainers Licensing Board created in Section 58-40a-201.
(6) "Collaborating physician" means a licensed physician who works in collaboration with an athletic trainer and is:
  (a) a physician and surgeon licensed under Section 58-67-301;
  (b) an osteopathic physician and surgeon licensed under Section 58-68-301;
  (c) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
  (d) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act; or
  (e) a dentist licensed under Section 58-69-301 who, within the licensee's scope of practice and individual competency, is responsible for the athletic training services provided by the athletic trainer and oversees the practice of athletic training by the athletic trainer, as the board requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(7) "Collaboration" means the consultation, correspondence, direction by order, or referral between a licensed athletic trainer and a collaborating physician working within the collaborating physician's scope of practice and individual competency.
(8) "Practice of athletic training" means a licensed athletic trainer applying principles and methods of:
  (a) prevention of athletic injuries;
  (b) recognition, evaluation, and assessment of athletic injuries and conditions;
  (c) immediate care of athletic injuries, including common emergency medical situations;
  (d) rehabilitation and reconditioning of athletic injuries;
  (e) athletic training services administration and organization; and
  (f) education of athletes.

Amended by Chapter 96, 2026 General Session

Part 2
Board

58-40a-201 Board composition -- Duties and responsibilities.

(1) There is created the Athletic Trainers Licensing Board consisting of:
  (a) four licensed athletic trainers;
  (b) one member representative of the collaborating physicians referred to in Subsection 58-40a-102(6); and
  (c) one member of the general public who has never been authorized to practice a healing art and never had a substantial personal, business, professional, or pecuniary connection with a healing art or with a medical education or health care facility, except as a client or potential client.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and 58-1-203 and shall designate one of the board's members on a permanent or rotating basis to:
  (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee under this chapter; and
  (b) advise the division in the division's investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the complaint's investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 96, 2026 General Session

Part 3
Licensing

58-40a-301 Licensure required.

(1) A license is required to engage in the practice of athletic training, except as specifically provided in Section 58-1-307 or 58-40a-305.

(2) The division shall issue to an individual who qualifies under this chapter a license in the classification of athletic trainer.

(3) An individual may not use the title "licensed athletic trainer," or "athletic trainer," or abbreviations or insignias to imply that the individual is an athletic trainer unless the individual is licensed under this chapter.

Enacted by Chapter 206, 2006 General Session

58-40a-302 Qualifications for licensure.

The division shall issue a license to practice as an athletic trainer to an applicant who:

(1) has obtained a bachelor's or advanced degree from an accredited four-year college or university and meets the minimum athletic training curriculum requirement established by the board by rule;

(2) has successfully completed the certification examination administered by the Board of Certification Inc. or equivalent examination approved or recognized by the board;

(3)
(a) is in good standing with and provides documentation of current certification by the Board of Certification Inc. or a nationally recognized credentialing agency that the board approves; and
(b) provides documentation of emergency cardiac care certification that includes the following:
(i) adult and pediatric cardiopulmonary resuscitation;
(ii) airway obstruction;
(iii) second rescuer cardiopulmonary resuscitation;
(iv) automated external defibrillator;
(v) barrier devices; and
(vi) in-person or virtual demonstration of skills;
(4) submits an application to the division on a form prescribed by the division; and
(5) pays the required licensing fee as determined by the department under Section 63J-1-504.

Amended by Chapter 96, 2026 General Session

58-40a-303 Scope of practice.
(1) An athletic trainer may:
(a) prevent injuries by:
(i) designing and implementing physical conditioning programs, which may include:
(A) strength and range of motion testing;
(B) nutritional advisement; and
(C) psychosocial intervention and referral;
(ii) performing preparticipation screening;
(iii) fitting protective equipment;
(iv) designing and constructing protective products; and
(v) continuously monitoring changes in the environment;
(b) recognize and evaluate injuries by:
(i) obtaining a history of the injury;
(ii) inspecting an injured body part and associated structures;
(iii) palpating bony landmarks and soft tissue structures; and
(iv) performing clinical tests to determine the extent of an injury;
(c) provide immediate care of injuries by:
(i) initiating cardiopulmonary resuscitation;
(ii) administering basic or advanced first aid;
(iii) removing athletic equipment; and
(iv) immobilizing and transporting an injured athlete;
(d) determine whether an athlete may return to participation or, if the injury requires further definitive care, refer the athlete to the appropriate licensed physician;
(e) rehabilitate and recondition an injury by administering therapeutic exercise and therapeutic and physical modalities, including cryotherapy, thermotherapy, and intermittent compression, electrical stimulation, ultra sound, traction devices, or mechanical devices;
(f) provide athletic training services administration, including:
(i) implementing athletic training service plans or protocols;
(ii) writing organizational policies and procedures;
(iii) complying with governmental and institutional standards; and
(iv) maintaining records to document services rendered; and
(g) educate athletes to facilitate physical conditioning and reconditioning by designing and implementing appropriate programs to minimize the risk of injury.

(2) A licensed athletic trainer shall collaborate with a licensed physician when treating an athletic injury that:
(a) is beyond the athletic trainer's scope of practice or expertise;
(b) is a suspected head or traumatic brain injury, including a concussion; and
(c) is unresponsive to treatment.
(3) An athletic trainer shall record collaboration with a physician regarding an athlete or athletic injury.
(4) Nothing in this section prevents a physician from employing, directing, supervising, establishing protocols for, or assisting an athletic trainer in performing within the scope of practice for athletic training consistent with the scope of practice and professional standards of each practitioner.

Amended by Chapter 96, 2026 General Session

58-40a-304 Term of license -- Expiration -- Renewal.
(1)
(a) The division shall issue each license for an athletic trainer in accordance with a two-year renewal cycle established by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The division may, by rule, extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 382, 2008 General Session

58-40a-305 Exemptions from licensure.
In addition to the exemptions from licensure in Section 58-1-307, this chapter does not require the licensure of a medical assistant as defined in Section 58-67-102 or 58-68-102 or an individual who assists in an emergency or in providing services for which no fee is contemplated, charged, or received, provided the individual does not represent that the individual is an athletic trainer.

Amended by Chapter 64, 2026 General Session

Part 4
License Denial and Discipline

58-40a-401 Grounds for denial of license.
The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue cease and desist orders in accordance with Section 58-1-401.

Enacted by Chapter 206, 2006 General Session

Part 5
Unprofessional Conduct

58-40a-501 Unprofessional conduct.

In addition to the provisions of Subsection 58-1-501(2), "unprofessional conduct" includes:

(1) failing to report to the division an act or omission that violates a provision of this chapter by a licensee, applicant, or another individual;

(2) interfering with an investigation of a disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against a client or witness to prevent that individual from providing evidence in a disciplinary proceeding, investigation, or other legal action;

(3) failing to maintain client confidentiality unless otherwise required by law;

(4) promoting an unnecessary device, treatment, intervention, or service for financial gain by the athletic trainer or a third party; and

(5) failing to maintain adequate records.

Amended by Chapter 262, 2013 General Session

Chapter 41
Speech-Language Pathology And Audiology Licensing Act

Part 1
General Provisions

58-41-101 Definitions.

As used in this chapter:

(1) "AAA" means the American Academy of Audiology.

(2) "ABA" means the American Board of Audiology.

(3) "ASHA" means the American Speech-Language-Hearing Association.

(4) "Audiologist" means an independent hearing and balance healthcare practitioner with the education to assess, diagnose, manage, and non-medically treat disorders of the auditory and vestibular systems across the lifespan.

(5)

(a) "Audiology" means the prevention, diagnosis, and treatment of a disorder related to hearing or vestibular function.

(b) "Audiology" includes administering and interpreting electrophysiologic measurements of neural function.

(6) "Audiology assistant" means an individual who:

(a) meets the minimum qualifications the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) does not act independently; and

(c) works under the personal direction and direct supervision of a licensed audiologist who accepts responsibility for the acts and performance of that audiology assistant under this chapter.

(7) "CCC" means the Certificate of Clinical Competence awarded by ASHA.

(8)

(a) "Licensed individual" means an individual who is:
(i) licensed under this chapter; or
(ii) licensed in accordance with Chapter 41a, Audiology and Speech-language Pathology Interstate Compact, if the license is not expired, suspended, or revoked.
(9) "Disorder" means the condition of decreased, absent, or impaired:
(a) auditory, speech, voice, or language function; or
(b) ability to communicate or swallow.
(10) "Hearing instrument" means the same as that term is defined in Section 58-46a-102.
(11) "Hearing instrument dealer" means a person who sells, repairs, and adjusts a hearing instrument.
(12)
(a) "Invasive procedure" means a procedure that the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, presents a high-risk to a patient and impacts the essential functions of communication, breathing, feeding, or swallowing.
(b) "Invasive procedure" includes:
(i) endoscopy;
(ii) fiberoptic endoscopic evaluation of swallowing;
(iii) pharyngeal electrical stimulation; and
(iv) tracheostomy management.
(13)
(a) "Over-the-counter hearing aid" means an air-conduction hearing aid, as defined in 21 C.F.R. Sec. 800.30(b), that is intended for use by a person that is at least 18 years old to compensate for mild to moderate hearing impairment.
(b) "Over-the-counter hearing aid" includes a device that is available over-the-counter, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.
(c) "Over-the-counter hearing aid" does not include a device that requires implantation or other surgical intervention.
(14) "Practice of audiology" means rendering or offering to render to an individual, a group, an agency, an organization, an industry, or the public a service in audiology.
(15) "Practice of speech-language pathology" means applying speech-language pathology to identify, prevent, ameliorate, or modify a disorder of speech, voice, language, cognitive communication, or swallowing.
(16) "Prescribe" means to:
(a) determine, specify, and give the directions, procedures, or rules for an individual to follow in determining and ordering the preparation, delivery, and use of specific mechanical, acoustic, or electronic aids to hearing or speech; and
(b) determine or designate a remedy for an individual.
(17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.
(18) "Speech-language pathologist" means:
(a) an individual who practices speech-language pathology or who represents to the public as a speech-language pathologist by a service or function the individual performs, directly or indirectly, or by using the terms "speech-language pathologist," "speech-language therapist," "language disability specialist," or a variation, derivation, synonym, coinage, or expression or implication of these terms, names, or functions; or
(b) an individual who performs a function described in Subsection (19) or a related function.

(19) "Speech-language pathology" means the application of principles, methods, and procedures for the measuring, testing, evaluating, predicting, counseling, treating, instructing, habilitating, or rehabilitating for speech, voice, language, communication, cognitive-communication, or the ability to swallow.
(20) "Speech-language pathology assistant" means an individual who:
(a) meets the minimum qualifications the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(b) does not act independently; and
(c) works under the personal direction and direct supervision of a licensed speech-language pathologist who accepts the responsibility for the acts and performances of that speech-language pathology assistant while working under this chapter.
(21) "Treatment" means the examination, diagnosis, correction, or amelioration of a speech or hearing disorder, abnormality, or behavior.
(22) "Unprofessional conduct" means the same as that term is defined in Section 58-1-501 and as the division may further define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-102 Fees.
The department shall set fees in accordance with Section 63J-1-504 and shall collect all fees.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-103 Privileged communication.
(1) A licensed individual may not be examined or required to reveal, without the consent of the client or the client's representative:
(a) a finding, an examination, or a representation made to the licensed individual by the client;
(b) advice the licensed individual provides to the client in the course of the practice of audiology or the practice of speech-language pathology; or
(c) treatment the licensed individual provides to the client in the course of the practice of audiology or the practice of speech-language pathology.
(2) An individual that a licensed individual employs may not be examined without the consent of the employer concerning a fact of which the employee has acquired knowledge in the employee's professional capacity.

Renumbered and Amended by Chapter 140, 2026 General Session

Part 2
Board

58-41-201 Board.
(1) There is created the Speech-language Pathologist and Audiologist Licensing Board, consisting of four speech-language pathologists or audiologists and one member of the general public.

(a) The nonpublic members of the board shall be licensed to provide and shall be engaged in providing speech-language pathology or audiology services to the public as a major interest as follows:
(i) one member shall be in private practice as a primary professional interest and activity or shall be a provider or speech-language pathology or audiology services at large;
(ii) one member shall be from a nonschool clinic setting which provides ongoing speech-language pathology or audiology services;
(iii) one member shall be a provider of speech-language pathology and audiology services in the elementary or secondary schools; and
(iv) one member shall be a provider of a speech-language pathology and audiology college or university training program.
(b) At no time may the board consist of more than two members who represent speech-language pathology or more than two members who represent audiology.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

Renumbered and Amended by Chapter 140, 2026 General Session

Part 3
Licensure

58-41-301 Licensure requirements.
(1) An individual may not engage in the practice of audiology or the practice of speech-language pathology without being a licensed individual.
(2) To obtain a license as an audiologist an applicant shall:
(a) submit a completed application in a form the division approves;
(b) pay a fee to the department in accordance with Section 63J-1-504;
(c)
(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical Competence, an ABA Certification, or an equivalent as the division approves by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(ii)
(A) submit evidence that the applicant holds a clinical doctorate degree in audiology from an accredited university or college;
(B) comply with the regulations of conduct and the codes of ethics for the profession of audiology;
(C) submit evidence of having completed at least one academic year of professional experience, consisting of at least 30 hours per week of direct clinical experience in treatment and management of patients supervised and attested to by a licensed audiologist or an audiologist certified by a national organization as the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(D) pass a nationally standardized examination in audiology that is the same as, or equivalent to, the examination required for the CCC, with pass-fail criteria equivalent to current ASHA standards.

(3)
(a) An individual who, before May 6, 2026, is licensed as an audiologist under this chapter, is considered to hold a current license under this chapter as an audiologist and is subject to this chapter.
(b) Beginning on May 6, 2026, an individual who holds a credential issued by the State Board of Education on or after July 1, 2020, and before May 6, 2026, and performs the functions of a speech-language pathologist or audiologist, shall apply to the division for licensure as a speech-language pathologist or audiologist and renew the credential in accordance with Section 58-41-303.
(4)
(a)
(i) An audiology assistant shall meet the minimum qualifications the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(ii) The division shall make the minimum qualifications substantial but less than those established by this chapter for licensure as an audiologist.
(b) An audiology assistant shall work under the personal direction and direct supervision of a licensed audiologist who accepts the responsibility for the acts and performances of the audiology assistant.
(c) An audiology assistant shall work within the audiology assistant scope of practice, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(5) To obtain a license as a speech-language pathologist an applicant shall:
(a) submit a completed application in a form the division approves;
(b) pay a fee to the department in accordance with Section 63J-1-504; and
(c)
(i) submit evidence of a current and unrestricted ASHA Certificate of Clinical Competence or an equivalent as the division approves by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(ii)
(A) provide the division with verification that the applicant has received at least a master's degree in speech-language pathology from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology;
(B) comply with the regulations of conduct and code of ethics for the profession of speech-language pathology;
(C) submit to the division certified evidence of having completed at least one academic year of professional experience, consisting of at least 30 hours per week of direct clinical experience in treatment and management of patients supervised and attested to by a licensed speech-language pathologist, or a speech-language pathologist certified by the CCC, or an equivalent organization as the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(D) pass a nationally standardized examination in speech-language pathology that is the same as, or equivalent to, the examination required for the CCC, with pass-fail criteria equivalent to current ASHA standards.
(6) To perform an invasive procedure, a speech-language pathologist shall comply with the standards the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-302 Issuance of license.

After the division reviews and approves the application, the division shall issue a license in accordance with Section 58-1-301.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-303 Term of license -- Expiration -- Renewal.

(1)
(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The division may extend or shorten the renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(c) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to determine the first renewal period of an individual described in Subsection 58-41-301(3)(b).

(2) At the time of renewal the licensee shall show satisfactory evidence of:
(a) completing 20 hours of continuing education that the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, within the preceding two-year renewal cycle, consistent with standards for maintaining professional competency in audiology or speech-language pathology; or
(b) possessing an active certification in good standing from a nationally recognized professional organization that requires continuing education equivalent to or exceeding 20 hours per two-year cycle.

(3) Each license automatically expires on the expiration date shown on the license.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-304 Temporary licenses.

(1) The division may issue a temporary audiology license to an applicant who:
(a) obtains a master's or doctorate degree in audiology before July 1, 2010, or obtains a clinical doctorate degree in audiology after June 30, 2010; and
(b) is practicing audiology for a year of clinical fellowship that the division approves.

(2) The division may issue a temporary speech-language pathology license to an applicant who:
(a) completes all requirements for licensure as a speech-language pathologist, except for Subsection 58-41-301(5)(c)(ii)(A); and
(b) is practicing speech-language pathology for a year of clinical fellowship.

(3) A temporary license is valid for up to 12 months from the day after the day on which the division issues the temporary license.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-305 Exemptions from chapter.

(1) The following individuals may engage in the practice of speech-language pathology or the practice of audiology subject to the stated circumstances and limitations without being a licensed individual:

(a) a qualified individual licensed in this state under law existing in this state before May 13, 1975, engaging in the profession for which the individual is licensed;
(b) a physician or a physician's assistant;
(c) except as provided in Subsection (2), a hearing instrument dealer or salesperson selling, fitting, adjusting, and repairing a hearing instrument, and conducting hearing tests solely for that purpose;
(d) a person who has obtained a valid and current credential issued by the State Board of Education while specifically performing the functions of a speech-language pathologist or audiologist solely within the confines of, under the direction and jurisdiction of, and in the academic interest of the school employing the person;
(e) an individual that a federal government agency or subdivision or, before July 1, 1989, a state or local government agency or subdivision, employs as a speech-language pathologist or audiologist while performing a speech-language pathology or audiology service within the confines of, under the direction and jurisdiction of, and in the specific interest of the agency or subdivision;
(f) an individual identified in Subsections (1)(d) and (e) may offer lectures for compensation without being a licensed individual;
(g) an individual an accredited college or university employs as a speech-language pathologist or audiologist performing a service or function this chapter describes if the individual provides the service or function:
  (i) solely as an assigned teaching function of the individual's employment;
  (ii) solely in academic interest and pursuit as a function of the individual's employment;
  (iii) in no way for the individual's own interest; and
  (iv) for no compensation other than the individual's institutional salary;
(h) an individual pursuing a course of study leading to a degree in speech-language pathology or audiology while enrolled in an accredited college or university, provided:
  (i) those activities constitute an assigned, directed, and supervised part of the individual's study, and in no other interest;
  (ii) that examinations, tests, histories, charts, progress notes, reports, correspondence, documents, and records the individual produces are clearly identified as having been conducted and prepared by a student in training;
  (iii) that the individual is obviously identified and designated by appropriate title clearly indicating the individual's training status; and
  (iv) that the individual does not hold out directly or indirectly to the public or otherwise represent that the individual is qualified to practice independently;
(i) an individual trained in elementary audiometry and qualified to perform basic audiometric tests while employed by and under the direct supervision of a licensed medical doctor to perform solely for the licensed medical doctor, the elementary conventional audiometric tests of air conduction screening, air conduction threshold testing, and tympanometry;
(j) an individual performing the functions of a speech-language pathologist or audiologist for the sole purpose of obtaining required professional experience under the provisions of this chapter and only during the period the individual is obtaining the required professional experience, if the individual meets the training requirements;
(k) a person engaging in speech-language pathology or audiology services without certification or license, if acting only through an employee who is a licensed individual or consisting only of licensed individuals;
(l) an individual who is not a resident of this state performing a speech-language pathology or audiology service in this state if:

(i) the individual performs the service for no more than one month in any calendar year in connection with a licensed speech-language pathologist or a licensed audiologist; and
(ii) the individual meets the qualifications and examination requirements for application for licensure described in Section 58-41-301;
(m) an individual certified under Title 53E, Public Education System -- State Administration, as a teacher of the deaf, providing a service or performing a function that the individual is certified to perform;
(n) an individual who is:
(i) trained in newborn hearing screening as the Department of Health and Human Services describes in rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(ii) working under the indirect supervision of a licensed audiologist responsible for a newborn hearing screening program the Department of Health and Human Services makes under Section 26B-4-319; and
(o) an individual who is exempt under Section 58-1-307.
(2)
(a)
(i) A hearing instrument specialist may not fit or test an individual's hearing aid, or test the individual's hearing if the individual is less than 18 years old unless the hearing instrument specialist receives a written statement that the individual's hearing loss has received a medical evaluation and that the individual may be considered a candidate for a hearing aid.
(ii) A hearing instrument specialist may not fit or test an individual's hearing aid, or test the individual's hearing if the individual is less than six years old.
(b) The medical evaluation in Subsection (2)(a)(i) shall have taken place no more than six months before the day on which the hearing instrument specialist fits or tests the hearing aid or the hearing of the individual.
(c) The written statement in Subsection (2)(a)(i) shall be signed by:
(i) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;
(ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
(iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or
(iv) an audiologist licensed under this chapter.
(3) No individual is exempt from this chapter if the individual performs or provides a service as a speech-language pathologist or an audiologist:
(a) for compensation that the recipient of the service pays; or
(b) for compensation that is outside the scope of the individual's employment position as a speech-language pathologist or an audiologist in a branch or subdivision of local, state, or federal government, or as otherwise identified in this section.
(4) The State Board of Education may not issue a credential to a person performing the functions of a speech-language pathologist or audiologist on or after May 6, 2026.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-306 Requirements for selling a hearing instrument.
(1) A person that offers to sell a hearing instrument to a consumer shall inform the consumer about hearing instruments that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.

(2) A person that sells a hearing instrument to a consumer shall provide a written receipt or written contract to the consumer that provides the consumer with a 30-day right to cancel the purchase and to obtain a refund if the consumer returns a hearing instrument to the seller in the same condition as when purchased, excluding ordinary wear and tear.
(3) The written receipt or contract shall notify the consumer of the 30-day right to cancel in at least 12-point font.
(4) The 30-day right to cancel period shall commence from the later of the day after the day on which:
  (a) the hearing instrument is originally delivered to the consumer;
  (b) the written receipt is dated; or
  (c) the contract is delivered to the consumer.
(5) The 30-day right to cancel period is paused while the hearing instrument dealer possesses or controls the hearing instrument after the hearing instrument's original delivery.
(6) Upon exercise of the 30-day right to cancel a hearing instrument purchase, the seller of the hearing instrument may collect from the purchaser a cancellation fee equal to the actual cost the seller incurs returning the hearing instrument to the manufacturer, if the written receipt or contract states the exact amount that the seller will retain as a cancellation fee.

Renumbered and Amended by Chapter 140, 2026 General Session

58-41-307 Single license for speech-language pathologist and audiologist -- Single fee.
(1) An applicant who qualifies to be licensed as both a speech-language pathologist and audiologist shall receive a single license reflecting licensure in both classifications.
(2) The division may assess a fee only for a single license.

Renumbered and Amended by Chapter 140, 2026 General Session

Part 4
License Denial And Discipline

58-41-401 Grounds for denial of license -- Resumption of practice.
(1) The division may:
  (a) refuse to issue a license to an applicant;
  (b) refuse to renew a license;
  (c) revoke, suspend, or restrict a license;
  (d) place a licensed individual on probation;
  (e) issue a public or private reprimand to a licensed individual; or
  (f) issue a cease and desist order.
(2) A licensed individual who has a license revoked may submit an application for licensure to the division after one year from the day after the day on which the division revoked the licensed individual's license.
(3) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 140, 2026 General Session

Part 5
Unlawful And Unprofessional Conduct - Penalties

58-41-501 Unprofessional conduct.

A licensed individual engages in unprofessional conduct if the individual:

(1) fails to make an appropriate referral to a qualified health care provider with respect to a condition the licensed individual detects in a patient if the condition is generally recognized in the profession as one the licensed individual should refer;

(2) designates a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling the hearing instrument;

(3) makes false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the practice of audiology or the practice of speech-language pathology;

(4) fails to exercise caution in providing a patient a prognosis to ensure the patient is not led to expect results that the individual cannot accurately predict;

(5) fails to provide appropriate follow-up care and consultation with respect to a patient to whom the individual prescribed and sold a hearing instrument after being informed by the patient that the hearing instrument does not produce the results represented by the licensed individual;

(6) fails to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient before providing the services or hearing instrument;

(7) fails to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division that the patient has not obtained the recovery of hearing the licensed individual represented in writing before sale of the hearing instrument;

(8) pays a professional individual consideration for referral of a patient;

(9) fails, when acting as a supervising speech-language pathologist or a supervising audiologist, to provide supervision and training;

(10) fails to describe in any advertisement, presentation, purchase, or trial agreement, the circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable terms as the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(11) fails to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;

(12) fails to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as pertaining to a hearing instrument;

(13) fails to keep the equipment used in the practice of speech-language pathology and audiology properly calibrated and in good working condition;

(14) fails to comply with Section 58-41-306;

(15) fails to provide as part of each transaction between a licensed individual and a patient related to testing for hearing loss and selling of a hearing instrument, written documentation that includes:

(a) identification of services and products provided to a patient and the charges for each service or product; and

(b) a statement whether any hearing instrument provided to a patient is "new," "used," or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to each instrument;

(16) before providing services or products to a patient, fails to:

(a) advise the patient about the expected results of the services and products; or

(b) obtain written informed consent from the patient regarding offered services, products, and the expected results of the services and products in a form the division approves;
(17) fails to obtain the patient's informed consent and agreement to purchase the hearing instrument before designating an appropriate hearing instrument;
(18) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the licensed individual at the time informed consent was given before the sale and fitting of the hearing instrument, fails to provide:
(a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or
(b) for the refund of fees the patient paid for the hearing instrument to the licensed individual within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing;
(19) fails to maintain a level of professional practice consistent with all initial and subsequent requirements by which licensure is achieved or maintained under this chapter;
(20) utilizes substandard or inappropriate facilities or equipment; or
(21) treats a disorder for which the licensed individual has not had the necessary training and experience.

Enacted by Chapter 140, 2026 General Session

58-41-502 Violation of chapter -- Penalties.

(1) An individual who violates a provision of this chapter is guilty of a class A misdemeanor.
(2) If an individual other than a licensed individual engages in conduct that violates this chapter, a court with jurisdiction may issue an injunction or other appropriate order to restrain the conduct.

Renumbered and Amended by Chapter 140, 2026 General Session

Chapter 41a
Audiology and Speech-language Pathology Interstate Compact

58-41a-101 Title.

This chapter is known as the "Audiology and Speech-Language Pathology Interstate Compact."

Enacted by Chapter 424, 2020 General Session

58-41a-102 Audiology and Speech-Language Pathology Interstate Compact.

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

4. Support spouses of relocating active duty military personnel;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states;

6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2: DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

D. "Audiologist" means an individual who is licensed by a state to practice audiology.

E. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

F. "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

G. "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

H. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

I. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

J. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

K. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

L. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

M. "Home state" means the member state that is the licensee's primary state of residence.

N. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

O. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

P. "Member state" means a state that has enacted the Compact.

Q. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

R. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

S. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

T. "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

U. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

V. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

W. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

X. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

Y.

"Telehealth" means the application of electronic communication or information technology that meets the applicable standard of care to deliver audiology or speech-language pathology services or information at a distance for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

1. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

2. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. For an audiologist:

1. Must meet one of the following educational requirements:

a. On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board;

3. Has successfully passed a national examination approved by the Commission;

4. Holds an active, unencumbered license;

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law; and

6. Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

1. Must meet one of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Has completed a supervised postgraduate professional experience as required by the Commission;

4. Has successfully passed a national examination approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law; and

7. Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 3;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege; and

7. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

C. Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state, and the compact privilege in any member state is deactivated in accordance with rules promulgated by the Commission.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4A to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and

2. Two years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

B. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

SECTION 7. ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. If otherwise permitted by state law, recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

4. Take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

B. Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

C. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

D. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

E. Joint Investigations

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

F. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

G. If a member state takes adverse action against a license, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and any remote states in which the licensee has the practice privilege of any adverse actions by the home state or remote states.

H. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the Commission, within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Establish a Code of Ethics;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the Compact;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Commission shall have no authority to change or modify the laws of the member states which define the practice of audiology and speech-language pathology in the respective states.

E. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission, within the powers of the Commission, according to the terms of this Compact:

1. The Executive Committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

b. Two (2) ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

c. One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

F. The ex-officio members shall be selected by their respective organizations.

1. The Commission may remove any member of the Executive Committee as provided in bylaws.

2. The Executive Committee shall meet at least annually.

3. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

4. Meetings of the Commission

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

7. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of meetings, other than closed meetings, shall be made available to members of the public upon request. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

8. Financing of the Commission

a. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

9. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

10. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant,

and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege;

4. Non-confidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A state or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available to any person upon request and at the requesting person's expense.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of

rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the Legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Enacted by Chapter 424, 2020 General Session

58-41a-103 Rulemaking authority.

The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement Section 58-41a-102.

Enacted by Chapter 424, 2020 General Session

Chapter 42a
Occupational Therapy Practice Act

Part 1
General Provisions

58-42a-101 Title.

This chapter is known as the "Occupational Therapy Practice Act."

Enacted by Chapter 240, 1994 General Session

58-42a-102 Definitions.

As used in this chapter:

(1) "Board" means the Physical Therapies Licensing Board created in Section 58-24b-201.

(2)

(a) "Individual treatment plan" means a written record an individual engaging in the practice of occupational therapy composes for each client.

(b) "Individual treatment plan" includes:

(i) planning and directing specific exercises and programs to improve sensory integration and motor functioning at the level of performance neurologically appropriate for the client's stage of development;

(ii) establishing a program of instruction to teach a client skills, behaviors, and attitudes necessary for the client's independent productive, emotional, and social functioning;

(iii) analyzing, selecting, and adapting functional exercises to achieve and maintain the client's optimal functioning in activities of daily living and to prevent further disability; and

(iv) planning and directing specific programs to evaluate and enhance a client's perceptual, motor, and cognitive skills.

(3) "Occupational therapist" means an individual licensed under this chapter to practice occupational therapy.

(4) "Occupational therapy aide" means an individual who is not licensed under this chapter but provides supportive services under the supervision of an occupational therapist or occupational therapy assistant.

(5) "Occupational therapy assistant" means an individual licensed under this chapter to practice occupational therapy under the supervision of an occupational therapist as described in Sections 58-42a-305 and 58-42a-306.

(6)

(a) "Practice of occupational therapy" means the therapeutic use of everyday life activities with a client who:

(i) has or is at risk of developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction; and

(ii) needs assistance developing or restoring the ability to engage in everyday life activities by addressing physical, cognitive, mental wellness, psychosocial, sensory, or other aspects of the client's performance.

(b) "Practice of occupational therapy" includes:
(i) establishing, remediating, or restoring an undeveloped or impaired skill or ability of a client;
(ii) modifying or adapting an activity or environment to enhance a client's performance;
(iii) maintaining and improving a client's capabilities to avoid declining performance in everyday life activities;
(iv) promoting health and wellness to develop or improve a client's performance in everyday life activities;
(v) performance-barrier prevention for a client, including preventing a disability;
(vi) evaluating factors that affect a client's activities of daily living in educational, work, play, leisure, and social situations, including:
(A) body functions and structures;
(B) habits, routines, roles, and behavioral patterns;
(C) cultural, physical, environmental, social, virtual, and spiritual contexts and activity demands that affect performance; and
(D) motor, process, communication, interaction, and other performance skills;
(vii) providing interventions and procedures to promote or enhance a client's safety and performance in activities of daily living in educational, work, and social situations, including:
(A) using therapeutic occupations and exercises;
(B) training in self-care, self-management, home-management, and community and work reintegration;
(C) developing, remediating, or compensating behavioral skills and physical, cognitive, neuromuscular, and sensory functions;
(D) educating and training of a client's family members and caregivers;
(E) coordinating care, case management, and transition services;
(F) providing a consulting service to a group, a program, an organization, or a community;
(G) modifying the environment and adapting a process, including the application of ergonomic principles;
(H) assessing, designing, fabricating, applying, fitting, and providing training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
(I) prescribing durable medical equipment or an adaptive device to a patient with or without requesting a prescription from a licensed physician;
(J) assessing, recommending, and training a client in a technique to enhance functional mobility, including wheelchair management;
(K) providing driver rehabilitation and community mobility;
(L) enhancing eating and feeding performance;
(M) applying a physical agent modality, managing wound care, dry needling, or using a manual therapy technique to enhance a client's performance skills, if the occupational therapist has received the necessary training as the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(N) applying dry needling to enhance a client's occupational performance if the occupational therapy practitioner has received the necessary training as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-501.

(8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-502.

Amended by Chapter 96, 2026 General Session

58-42a-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 432, 2015 General Session

Part 3
Licensing

58-42a-301 Licensure required -- License classification.

(1) A license is required to engage in the practice of occupational therapy, except as specifically provided in Section 58-1-307 or 58-42a-304.
(2) The division shall issue to an individual who qualifies under this chapter a license in the classification of:
  (a) occupational therapist; or
  (b) occupational therapy assistant.
(3) Nothing in this chapter shall permit an individual licensed under this chapter to engage in the practice of mental health therapy as defined in Section 58-60-102.

Amended by Chapter 219, 2025 General Session

58-42a-302 Qualifications for licensure.

(1) An applicant for licensure as an occupational therapist shall:
  (a) submit an application in a form the division approves;
  (b) pay a fee as determined by the department under Section 63J-1-504;
  (c) graduate with a bachelor's or graduate degree for the practice of occupational therapy from an education program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;
  (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks of supervised fieldwork experience;
  (e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy; and
  (f)
    (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
    (ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    (iii) disclose any criminal history the division requests on a form the division approves.
(2) An applicant for licensure as an occupational therapy assistant shall:
  (a) submit an application in a form the division approves;

(b) pay a fee as determined by the department under Section 63J-1-504;
(c) graduate from an educational program for the practice of occupational therapy as an occupational therapy assistant that is accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;
(d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks of supervised fieldwork experience;
(e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy; and
(f)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (2)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves.
(3) Notwithstanding the other requirements of this section, the division may issue a license as an occupational therapist or as an occupational therapy assistant to an applicant who:
(a) consents to a criminal background check in accordance with Section 58-42a-302 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b)
(i) meets the requirements of receiving a license by endorsement under Section 58-1-302; or
(ii) has been licensed in a state, district, or territory of the United States, or in a foreign country, where the education, experience, or examination requirements are not substantially equal to the requirements of this state, if the applicant passes the applicable examination described in Subsection (1)(e) or (2)(e).

Amended by Chapter 443, 2025 General Session

58-42a-303 Term of license -- Expiration -- Renewal.
(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
(2) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 432, 2015 General Session

58-42a-303.5 Continuing education.
(1) As a condition for renewal of a license under this chapter, a licensee shall complete 24 hours of qualified continuing professional education, in accordance with standards defined by division rule in collaboration with the board, during each two-year licensure cycle.
(2) If a renewal cycle is extended or shortened under Subsection (1), the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 432, 2015 General Session

58-42a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated limited acts or practices without being licensed under this chapter:

(1) a person licensed in the state who is engaging in the practice of the person's profession or occupation as defined in statute under which the person is licensed;

(2) a person pursuing a course of study leading to a degree for the practice of occupational therapy at an accredited education program, if that person is acting under appropriate supervision and is designated by a title that clearly indicates the person's status as a student; and

(3) a person fulfilling the supervised fieldwork experience requirements for licensure described in Section 58-42a-302, if the person is acting under appropriate supervision and is designated by a title that clearly indicates the person is performing supervised fieldwork experience to qualify for a license under this chapter.

Amended by Chapter 432, 2015 General Session

58-42a-305 Limitation upon occupational therapy services provided by an occupational therapy assistant and an occupational therapy aide.

(1) An occupational therapy assistant:

(a) may only perform occupational therapy services under the supervision of an occupational therapist as described in Section 58-42a-306;

(b) may not write an individual treatment plan;

(c) may not approve or cosign modifications to an individual treatment plan; and

(d) may contribute to and maintain an individual treatment plan.

(2) An occupational therapy aide:

(a) may only perform occupational therapy services under the direct supervision of an occupational therapist or an occupational therapy assistant;

(b) may not write, modify, contribute, or maintain an individual treatment plan; and

(c) may only perform tasks that are repetitive and routine for which the aide has been trained and has demonstrated competence.

Amended by Chapter 432, 2015 General Session

58-42a-306 Supervision requirements.

An occupational therapist who is supervising an occupational therapy assistant shall:

(1) write or contribute to an individual treatment plan before referring a client to the occupational therapy assistant for treatment;

(2) approve and cosign on all modifications to the individual treatment plan;

(3) meet face to face with the occupational therapy assistant as often as necessary but at least once every two weeks in person or by video conference, and at least one time every month in person, to adequately provide consultation, advice, training, and direction to the occupational therapy assistant;

(4) meet with each client who has been referred to the occupational therapy assistant at least once each month, to further assess the patient, evaluate the treatment, and modify the individual's treatment plan, except that if the interval of client care occurs one time per month or less, the occupational therapist shall meet with the client at least once every four visits;

(5) supervise occupational therapy assistants in accordance with rules the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(6) remain responsible for client treatment provided by the occupational therapy assistant; and
(7) fulfill any other supervisory responsibilities as determined by division rule.

Amended by Chapter 96, 2026 General Session

58-42a-307 Dry needling -- Experience required -- Registration.

(1) An occupational therapist may practice dry needling if the occupational therapist:
(a) has a valid license to practice occupational therapy under this chapter;
(b) has successfully completed a course in dry needling that is:
(i) approved by the division; and
(ii) at least 304 total course hours, including a minimum of:
(A) 54 hours of in-person instruction; and
(B) 250 supervised patient treatment hours;
(c) files a certificate of completion of the course described in Subsection (1)(b) with the division;
(d) registers with the division as a dry needling practitioner; and
(e) meets any other requirement to practice dry needling established by the division.
(2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
(a) the criteria for approving a course described in Subsection (1)(b); and
(b) the requirements described in Subsection (1)(e).
(3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).

Amended by Chapter 96, 2026 General Session

58-42a-308 No referral required for occupational therapy.

An occupational therapist may evaluate, initiate, and provide occupational therapy treatment for a client without a referral from another health service provider.

Enacted by Chapter 219, 2025 General Session

Part 4
License Denial and Discipline

58-42a-401 Denial of license -- Discipline.

The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue a cease and desist order under the grounds specified in Section 58-1-401.

Enacted by Chapter 240, 1994 General Session

Part 5
Unlawful and Unprofessional Conduct

58-42a-501 Unlawful conduct.

"Unlawful conduct," as defined in Section 58-1-501 and as may be further defined by division rule, includes:

(1) engaging or offering to engage in the practice of occupational therapy unless licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-42a-304;
(2) using the title occupational therapist or occupational therapy assistant unless licensed under this chapter; and
(3) obtaining a license under this chapter by means of fraud, misrepresentation, or concealment of a material fact.

Amended by Chapter 339, 2020 General Session

58-42a-502 Unprofessional conduct.

"Unprofessional conduct," as defined in Section 58-1-501 and as may be further defined by division rule, includes:

(1) being convicted of a crime in any court except for minor offenses;
(2) violating a lawful order, rule, or regulation adopted by the division in consultation with the board;
(3) providing substandard care as an occupational therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the client is established;
(4) providing substandard care as an occupational therapy assistant, including exceeding the authority to perform components of intervention selected and delegated by the supervising occupational therapist, regardless of whether actual injury to the client is established;
(5) knowingly delegating responsibilities related to the practice of occupational therapy to an individual, including an occupational therapy aide, who does not have the knowledge, skills, or abilities to perform those responsibilities;
(6) failing to provide appropriate supervision in accordance with this chapter to an occupational therapy assistant or occupational therapy aide;
(7) practicing as an occupational therapist or occupational therapy assistant when physical or mental impairment of the occupational therapist or occupational therapy assistant prevents the provision of competent services to clients;
(8) having had an occupational therapist, occupational therapy assistant, or equivalent license or application refused, revoked, suspended, or other disciplinary action taken in another state, United States territory, or country;
(9) engaging in sexual misconduct, including:
  (a) engaging in or soliciting a sexual relationship with a client;
  (b) making a sexual advance, requesting a sexual favor, or engaging in physical contact of a sexual nature with a client; and
  (c) engaging in verbal or physical conduct of a sexual nature in the presence of a client; and
(10) abandoning or neglecting a client in need of immediate professional care without making reasonable arrangements for the continuation of care.

Enacted by Chapter 432, 2015 General Session

Chapter 42b
Occupational Therapy Licensure Compact

Part 1
Compact Text

58-42b-101 Section 1 -- Purpose.

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

(A)
Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;

(B)
Enhance the States' ability to protect the public's health and safety;

(C)
Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;

(D)
Support spouses of relocating military members;

(E)
Enhance the exchange of licensure, investigative, and disciplinary information between Member States;

(F)
Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State's practice standards; and

(G)
Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.

Enacted by Chapter 221, 2022 General Session

58-42b-102 Section 2 -- Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(A)
"Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.

(B)
"Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual's license or

Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

(C)

"Alternative Program" means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.

(D)

"Compact Privilege" means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

(E)

"Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

(F)

"Current Significant Investigative Information" means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(G)

"Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

(H)

"Encumbered License" means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

(I)

"Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

(J)

"Home State" means the Member State that is the Licensee's Primary State of Residence.

(K)

"Impaired Practitioner" means an individual whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

(L)

"Investigative Information" means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

(M)

"Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

(N)

"Licensee" means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

(O)

"Member State" means a State that has enacted the Compact.

(P)

"Occupational Therapist" means an individual who is licensed by a State to practice Occupational Therapy.

(Q)

"Occupational Therapy Assistant" means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

(R)

"Occupational Therapy," "Occupational Therapy Practice," and the "Practice of Occupational Therapy" mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

(S)

"Occupational Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

(T)

"Occupational Therapy Licensing Board" or "Licensing Board" means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

(U)

"Primary State of Residence" means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

(V)

"Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

(W)

"Rule" means a regulation promulgated by the Commission that has the force of law.

(X)

"State" means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

(Y)

"Single-State License" means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

(Z)

"Telehealth" means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

Enacted by Chapter 221, 2022 General Session

58-42b-103 Section 3 -- State participation in the compact.

(A)

To participate in the Compact, a Member State shall:

(1) License Occupational Therapists and Occupational Therapy Assistants;

(2)

Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission;

(3)

Have a mechanism in place for receiving and investigating complaints about Licensees;

(4)
Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;
(5)
Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
(a) A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions;
(b)
Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544;
(6)
Comply with the Rules of the Commission;
(7)
Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and
(8)
Have Continuing Competence/Education requirements as a condition for license renewal.
(B)
A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.
(C)
Member States may charge a fee for granting a Compact Privilege.
(D)
A Member State may provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.
(E)
Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.
(F)
Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

Enacted by Chapter 221, 2022 General Session

58-42b-104 Section 4 -- Compact privilege.
(A)
To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

(1) Hold a license in the Home State;

(2)

Have a valid United States Social Security Number or National Provider Identifier number;

(3)

Have no encumbrance on any State license;

(4)

Be eligible for a Compact Privilege in any Member State in accordance with Subsections (D), (F), (G), and (H);

(5)

Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;

(6)

Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);

(7)

Pay any applicable fees, including any State fee, for the Compact Privilege;

(8)

Complete a criminal background check in accordance with Subsection 58-42b-103(A)(5). The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;

(9)

Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

(10)

Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

(B)

The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Subsection 58-42b-104(A) to maintain the Compact Privilege in the Remote State.

(C)

A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

(D)

Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

(E)

A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

(F)

If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

(1) The Home State license is no longer encumbered; and

(2) Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Subsection 58-42b-104(F)(1).

(G)

Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Subsection (A) to obtain a Compact Privilege in any Remote State.

(H)

If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

(1) The specific period of time for which the Compact Privilege was removed has ended;

(2)

All fines have been paid and all conditions have been met;

(3)

Two years have elapsed from the date of completing requirements for Subsections (H)(1) and (2); and

(4)

The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.

(I)

If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

(J)

Once the requirements of Subsection (H) have been met, the licensee must meet the requirements in Subsection (A) to obtain a Compact Privilege in a Remote State.

Enacted by Chapter 221, 2022 General Session

58-42b-105 Section 5 -- Obtaining a new home state license by virtue of a compact privilege.

(A)

An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

(B)

If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

(1) The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

(2)

Upon receipt of an application for obtaining a new Home State license by virtue of Compact Privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 58-42b-104 via the Data System, without need for primary source verification except for:

(a) an FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;

(b)

other criminal background check as required by the new Home State; and

(c)

submission of any requisite Jurisprudence Requirements of the new Home State.

(3)

The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

(4)

Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 58-42b-104, the new Home State shall apply its requirements for issuing a new Single-State License.

(5)

The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

(C)

If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

(D)

Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

(E)

Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

Enacted by Chapter 221, 2022 General Session

58-42b-106 Section 6 -- Active duty military personnel or their spouses.

(A) Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 58-42b-105.

Enacted by Chapter 221, 2022 General Session

58-42b-107 Section 7 -- Adverse actions.

(A)

A Home State shall have exclusive power to impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

(B)

In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

(1) Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

(2)

Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in

a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

(C)

For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

(D)

The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the Occupational Therapy Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

(E)

A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

(F)

A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

(G)

Joint Investigations

(1) In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

(2)

Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(H)

If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States during the pendency of the order.

(I)

If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

(J)
Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

Enacted by Chapter 221, 2022 General Session

58-42b-108 Section 8 -- Establishment of the Occupational Therapy Compact Commission.

(A)
The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission.

(1) The Commission is an instrumentality of the Compact States.

(2)
Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3)
Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

(B)
Membership, Voting, and Meetings

(1) Each Member State shall have and be limited to one delegate selected by that Member State's Licensing Board.

(2)
The delegate shall be either:
(a) A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or
(b) An administrator of the Licensing Board.

(3)
Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

(4)
The Member State board shall fill any vacancy occurring in the Commission within 90 days.

(5)
Each delegate shall be entitled to one vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(6)
The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(7)
The Commission shall establish by Rule a term of office for delegates.

(C)
The Commission shall have the following powers and duties:

(1) Establish a Code of Ethics for the Commission;

(2)
Establish the fiscal year of the Commission;

(3)
Establish bylaws;
(4)
Maintain its financial records in accordance with the bylaws;
(5)
Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;
(6)
Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;
(7)
Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;
(8)
Purchase and maintain insurance and bonds;
(9)
Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
(10)
Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
(11)
Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
(12)
Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety;
(13)
Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
(14)
Establish a budget and make expenditures;
(15)
Borrow money;
(16)
Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
(17)
Provide and receive information from, and cooperate with, law enforcement agencies;
(18)
Establish and elect an Executive Committee; and
(19)

Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.

(D)

The Executive Committee. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

(1) The Executive Committee shall be composed of nine members:

(a) Seven voting members who are elected by the Commission from the current membership of the Commission;

(b)

One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and

(c)

One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.

(2) The ex-officio members will be selected by their respective organizations.

(3) The Commission may remove any member of the Executive Committee as provided in bylaws.

(4) The Executive Committee shall meet at least annually.

(5) The Executive Committee shall have the following Duties and responsibilities:

(a) Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

(b) Ensure Compact administration services are appropriately provided, contractual or otherwise;

(c) Prepare and recommend the budget;

(d)

Maintain financial records on behalf of the Commission;

(e)

Monitor Compact compliance of Member States and provide compliance reports to the Commission;

(f)

Establish additional committees as necessary; and

(g)

Perform other duties as provided in Rules or bylaws.

(E)

Meetings of the Commission

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 58-42b-110.

(2) The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

(a)

Non-compliance of a Member State with its obligations under the Compact;

(b)

The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

(c)

Current, threatened, or reasonably anticipated litigation;

(d)

Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(e)

Accusing any person of a crime or formally censuring any person;

(f)

Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g)

Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h)

Disclosure of investigative records compiled for law enforcement purposes;

(i)

Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

(j)

Matters specifically exempted from disclosure by federal or Member State statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

(F)

Financing of the Commission

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(G)

Qualified Immunity, Defense, and Indemnification

(1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
(2) The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.
(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Enacted by Chapter 221, 2022 General Session

58-42b-109 Section 9 -- Data system.

(A)
The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

(B)
A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

(1) Identifying information;

(2)
Licensure data;

(3)
Adverse Actions against a license or Compact Privilege;

(4)
Non-confidential information related to Alternative Program participation;

(5)
Any denial of application for licensure, and the reason(s) for such denial;

(6)
Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and

(7)

Current Significant Investigative Information.

(C)

Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

(D)

The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

(E)

Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

(F)

Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

Enacted by Chapter 221, 2022 General Session

58-42b-110 Section 10 -- Rulemaking.

(A)

The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

(B)

The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

(C)

If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

(D)

Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

(E)

Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

(1) On the website of the Commission or other publicly accessible platform; and

(2)

On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

(F)

The Notice of Proposed Rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

(2)
The text of the proposed Rule or amendment and the reason for the proposed Rule;
(3)
A request for comments on the proposed Rule from any interested person; and
(4)
The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
(G)
Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
(H)
The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:
(1) At least 25 persons;
(2)
A State or federal governmental subdivision or agency; or
(3)
An association or organization having at least 25 members.
(I)
If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.
(1) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
(2)
Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
(3)
All hearings will be recorded. A copy of the recording will be made available on request.
(4)
Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
(J)
Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
(K)
If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.
(L)
The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.
(M)
Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after

the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2)

Prevent a loss of Commission or Member State funds;

(3)

Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

(4)

Protect public health and safety.

(N)

The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Enacted by Chapter 221, 2022 General Session

58-42b-111 Section 11 -- Oversight, dispute resolution, and enforcement.

(A)

Oversight

(1) The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

(2)

All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

(3)

The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

(B)

Default, Technical Assistance, and Termination

(1) If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

(a) Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the Commission; and

(b)

Provide remedial training and specific technical assistance regarding the default.

(2) If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.
(3) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.
(4) A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
(5) The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.
(6) The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(C)
Dispute Resolution

(1) Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

(2)
The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(D)
Enforcement

(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

(2)
By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3)
The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

Enacted by Chapter 221, 2022 General Session

58-42b-112 Section 12 -- Date of implementation of the Interstate Commission for Occupational Therapy Practice and associated rules, withdrawal, and amendment.

(A)

The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

(B)

Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

(C)

Any Member State may withdraw from this Compact by enacting a statute repealing the same.
(1) A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
(2) Withdrawal shall not affect the continuing requirement of the withdrawing State's Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

(D)

Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

(E)

This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Enacted by Chapter 221, 2022 General Session

58-42b-113 Section 13 -- Construction and severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Enacted by Chapter 221, 2022 General Session

58-42b-114 Section 14 -- Binding effect of compact and other laws.

(A)

A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

(B)

Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

(C)
Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.
(D)
Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.
(E)
All agreements between the Commission and the Member States are binding in accordance with their terms.
(F)
In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

Enacted by Chapter 221, 2022 General Session

Part 2
Rulemaking

58-42b-201 Rulemaking authority.
The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

Enacted by Chapter 221, 2022 General Session

Chapter 44a
Nurse Midwife Practice Act

Part 1
General Provisions

58-44a-101 Title.
This chapter is the "Nurse Midwife Practice Act."

Enacted by Chapter 187, 1994 General Session

58-44a-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct in accordance with a fine schedule established by rule and as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(2) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section 58-31b-201.

(3) "Consultation and Referral Plan" means a written plan jointly developed by a certified nurse midwife, as defined in Subsection (7), and a consulting physician that permits the certified nurse midwife to prescribe schedule II-III controlled substances in consultation with the consulting physician.
(4) "Consulting physician" means a physician and surgeon or osteopathic physician:
(a) with an unrestricted license as a physician;
(b) qualified by education, training, and current practice in obstetrics, gynecology, or both to act as a consulting physician to a nurse midwife practicing under this chapter and providing intrapartum care or prescribing Schedule II-III controlled substances; and
(c) who is available to consult with a nurse midwife, which does not include the consulting physician being present at the time or place the nurse midwife is engaged in practice.
(5) "Individual" means a natural person.
(6) "Intrapartum referral plan":
(a) means a written plan prepared by a nurse midwife describing the guidelines under which the nurse midwife will consult with a consulting physician, collaborate with a consulting physician, and refer patients to a consulting physician; and
(b) does not require the nurse midwife to obtain the signature of a physician on the intrapartum referral plan.
(7) "Nurse midwife" means a person licensed under this chapter to engage in practice as a certified nurse midwife.
(8) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.
(9) "Practice as a certified nurse midwife" means:
(a) practice of registered nursing as defined in Section 58-31b-102, and as consistent with the education, training, experience, and current competency of the licensee;
(b) practice of nursing within the generally recognized scope and standards of nurse midwifery as defined by rule and consistent with professionally recognized preparations and educational standards of a certified nurse midwife by a person licensed under this chapter, which practice includes:
(i) having a safe mechanism for obtaining medical consultation, collaboration, and referral with one or more consulting physicians who have agreed to consult, collaborate, and receive referrals, but who are not required to sign a written document regarding the agreement;
(ii) providing a patient with information regarding other health care providers and health care services and referral to other health care providers and health care services when requested or when care is not within the scope of practice of a certified nurse midwife; and
(iii) maintaining written documentation of the parameters of service for independent and collaborative midwifery management and transfer of care when needed; and
(c) the authority to:
(i) elicit and record a patient's complete health information, including physical examination, history, and laboratory findings commonly used in providing obstetrical, gynecological, and well infant services to a patient;
(ii) assess findings and upon abnormal findings from the history, physical examination, or laboratory findings, manage the treatment of the patient, collaborate with the consulting physician or another qualified physician, or refer the patient to the consulting physician or to another qualified physician as appropriate;
(iii) diagnose, plan, and implement appropriate patient care, including the administration and prescribing of:
(A) prescription drugs;

(B) schedule IV-V controlled substances; and
(C) schedule II-III controlled substances in accordance with a consultation and referral plan;
(iv) evaluate the results of patient care;
(v) consult as is appropriate regarding patient care and the results of patient care;
(vi) manage the intrapartum period according to accepted standards of nurse midwifery practice and a written intrapartum referral plan, including performance of routine episiotomy and repairs, and administration of anesthesia, including local, pudendal, or paracervical block anesthesia, but not including general anesthesia and major conduction anesthesia;
(vii) manage the postpartum period;
(viii) provide gynecological services;
(ix) provide noncomplicated newborn and infant care to the age of one year; and
(x) represent or hold oneself out as a certified nurse midwife, or nurse midwife, or use the title certified nurse midwife, nurse midwife, or the initials C.N.M., N.M., or R.N.
(10) "Unlawful conduct" is defined in Sections 58-1-501 and 58-44a-501.
(11) "Unlicensed assistive personnel" means any unlicensed person, regardless of title, to whom tasks are delegated by a licensed certified nurse midwife in accordance with the standards of the profession as defined by rule.
(12) "Unprofessional conduct" is defined in Sections 58-1-501 and 58-44a-502 and as may be further defined by rule.

Amended by Chapter 507, 2024 General Session

Part 3
Licensing

58-44a-301 Licensure required -- License classification.
(1) A license is required to engage in practice as a certified nurse midwife, except as provided in Section 58-1-307.
(2) The division shall issue to individuals qualified under the provisions of this chapter a license in the classification certified nurse midwife.
(3) An individual holding a certified nurse midwife license as of July 1, 1998, who cannot document the successful completion of advanced course work approved by the division in collaboration with the board in patient assessment, diagnosis and treatment, and pharmacotherapeutics, may not prescribe and shall be issued a "CNM without prescriptive practice" license.
(4) The division shall grant a certified nurse midwife license to any licensed certified nurse midwife currently holding prescriptive authority under any predecessor act on July 1, 1998.

Amended by Chapter 288, 1998 General Session

58-44a-302 Qualifications for licensure.
(1) An applicant for licensure as a nurse midwife shall:
(a) submit an application in a form the division approves;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c) at the time of application for licensure hold a license in good standing as a registered nurse in Utah, or be at that time qualified for a license as a registered nurse under Title 58, Chapter 31b, Nurse Practice Act;

(d) have completed:
(i) a certified nurse midwifery education program accredited by the Accreditation Commission for Midwifery Education 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; or
(ii) a nurse midwifery education program located outside of the United States which is approved by the division and is equivalent to a program accredited by the Accreditation Commission for Midwifery Education, as demonstrated by a graduate's being accepted to sit for the national certifying examination administered by the Accreditation Commission for Midwifery Education or its designee;
(e) have passed examinations established by the division rule in collaboration with the board within two years after completion of the approved education program required under Subsection (1)(d); and
(f)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves.
(2) For purposes of Subsection (1)(d), as of January 1, 2010, an applicant shall have completed a graduate degree, including post-master's certificate, in nurse midwifery from the accredited education program or the accredited education program's equivalent.

Amended by Chapter 96, 2026 General Session

58-44a-303 Term of license -- Expiration -- Renewal.
(1)
(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
(b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) At the time of renewal, the licensee shall:
(a) hold a valid certification from the American College of Nurse Midwives Certification Council, Inc.; and
(b) have met continuing competency requirements defined by the division rule in collaboration with the board.

Amended by Chapter 268, 2001 General Session

58-44a-304 Continuing education.
The division in collaboration with the board may establish by rule continuing education requirements for renewal of licensure under this chapter, upon a finding by the division that continuing education requirements are necessary to protect the public health, safety, and welfare.

Enacted by Chapter 187, 1994 General Session

58-44a-305 Intern license.

(1) The division may issue an intern license to an individual who meets all qualifications for licensure except the passing of the qualifying examination if the applicant:
(a) graduated from an approved education program within the 12 months immediately preceding the application for licensure;
(b) has never before taken the qualifying examination;
(c) is registered to take the next qualifying examination; and
(d) presents a plan acceptable to the division and board under which the applicant will practice under any intern license issued only under the direct supervision of a nurse midwife or physician.
(2) An intern license issued under this section expires on:
(a) the date of the next qualifying examination immediately following issuance of the intern license if the intern license holder does not sit for that examination;
(b) the date the examination results are available if the intern license holder sits for the next succeeding qualifying examination and fails the examination; or
(c) the date on which a regular license is issued if the intern license holder passes the examination and is otherwise qualified for licensure.

Amended by Chapter 288, 1998 General Session

Part 4
License Denial and Discipline

58-44a-401 Grounds for denial of license -- Disciplinary proceedings.

Division grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders are in accordance with Section 58-1-401.

Enacted by Chapter 187, 1994 General Session

58-44a-402 Authority to assess penalty.

(1) After a proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Title 58, Chapter 1, Division of Professional Licensing Act, the division may impose an administrative penalty of up to $10,000 for unprofessional or unlawful conduct under this chapter in accordance with a fine schedule established by rule.
(2) The assessment of a penalty under this section does not affect any other action the division is authorized to take regarding a license issued under this chapter.
(3) The division may impose an administrative penalty of up to $500 for any violation of Subsection 58-44a-501(2), (3), or (4), consistent with Section 58-44a-503.
(4)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 415, 2022 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-44a-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) engaging in practice as a certified nurse midwife when not licensed or exempted from licensure under this chapter, or engaging in practice as a registered nurse when not licensed or exempted from licensure under this chapter or Title 58, Chapter 31b, Nurse Practice Act;
(2) representing or holding oneself out as a certified nurse midwife, nurse midwife, or identifying oneself by the initials C.N.M. or N.M. when not licensed under this chapter;
(3) representing or holding out oneself as a registered nurse or identifying oneself by the initials R.N. when not licensed under this chapter or Title 58, Chapter 31b, Nurse Practice Act; and
(4) using any other title, initials, or any other means indicating that one is licensed under this chapter.

Repealed and Re-enacted by Chapter 288, 1998 General Session

58-44a-502 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) disregard for a patient's dignity or right to privacy as to the patient's person, condition, possessions, or medical record;
(2) engaging in an act, practice, or omission which when considered with the duties and responsibilities of a certified nurse midwife does or could jeopardize the health, safety, or welfare of a patient or the public;
(3) failure to confine one's practice as a certified nurse midwife to those acts or practices permitted by law;
(4) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;
(5) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by the court;
(6) failure to pay a penalty imposed by the division;
(7) prescribing a schedule II-III controlled substance without a consulting physician;
(8) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under this chapter is found guilty of a crime in connection with the violation;
(9)
(a) failure to have and maintain a safe mechanism for obtaining medical consultation, collaboration, and referral with a consulting physician, including failure to identify one or more consulting physicians in the written documents required by Subsection 58-44a-102(9)(b)(iii); or

(b) representing that the certified nurse midwife is in compliance with Subsection (9)(a) when the certified nurse midwife is not in compliance with Subsection (9)(a); or

(10) falsely making an entry in, or altering, a medical record with the intent to conceal:

(a) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or

(b) conduct described in Subsections (1) through (9) or Subsection 58-1-501(1).

Amended by Chapter 301, 2023 General Session

58-44a-503 Penalty for unlawful conduct.

(1) Any individual who violates the unlawful conduct provisions of Subsection 58-44a-501(1) is guilty of a third degree felony.

(2) Any individual who violates the unlawful conduct provisions of Subsection 58-44a-501(2), (3), or (4) is guilty of a class A misdemeanor.

(3) Subject to Subsection (4), the division may assess administrative penalties in accordance with the provisions of Section 58-44a-402 for acts of unprofessional or unlawful conduct, or any other appropriate administrative action in accordance with the provisions of Section 58-44a-401.

(4) If a licensee has been convicted of violating Section 58-44a-501 prior to an administrative finding of a violation of the same section, the licensee may not be assessed a administrative penalty under this chapter for the same offense for which the conviction was obtained.

Enacted by Chapter 288, 1998 General Session

Part 6
Delivery by Parents

58-44a-601 Parents delivering their children.

This chapter does not abridge, limit, or change in any way the right of parents to deliver their baby where, when, how, and with whom they choose, regardless of licensure under this chapter.

Repealed and Re-enacted by Chapter 288, 1998 General Session

Chapter 46a
Hearing Instrument Specialist Licensing Act

Part 1
General Provisions

58-46a-102 Definitions.

As used in this chapter:

(1) "Direct supervision" means supervision where the supervising audiologist or supervising hearing instrument specialist is present in the same facility as is the individual being supervised and is available for immediate in person consultation.

(2)
(a) "Hearing instrument" means a wearable device offered to compensate for human hearing loss, including the device's parts, attachments, or accessories.
(b) "Hearing instrument" includes an acoustic-air conduction amplification device that the United States Food and Drug Administration regulates as hearing aids.
(c) "Hearing instrument" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.
(3) "Hearing instrument intern" means an individual licensed under this chapter who is obtaining education and experience in the practice of a hearing instrument specialist under the supervision of a supervising hearing instrument specialist or supervising audiologist.
(4) "Hearing instrument specialist" means an individual who:
(a) establishes a place of business to practice as a hearing instrument specialist;
(b) tests the hearing of a human patient over five years old for the sole purpose of determining whether the use of a hearing instrument will improve hearing loss sufficiently to justify prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;
(c) provides the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;
(d) prescribes an appropriate hearing instrument;
(e) makes impressions or ear molds for the fitting of a hearing instrument;
(f) sells and professionally places the hearing instrument on a patient;
(g) evaluates the hearing loss overcome by the installation of the hearing instrument and evaluates the hearing recovery against the representations the hearing instrument specialist made to the patient;
(h) intervenes to produce satisfactory hearing recovery results from a hearing instrument; or
(i) instructs the patient on the use and care of the hearing instrument.
(5) "Indirect supervision" means supervision where the supervising hearing instrument specialist or supervising audiologist is not required to be present in the same facility as the individual being supervised, but is available for voice to voice contact by telephone, radio, or other means at the initiation of the supervised individual.
(6)
(a) "Licensed individual" means an individual who is:
(i) licensed under this chapter; or
(ii) licensed under this chapter before May 6, 2026, if the license is not expired, suspended, or revoked.
(b) "Licensed individual" means the same as a licensed individual for purposes of credentialing, paneling, insurance, reimbursement, portability, and compacts.
(7) "Supervising audiologist" means an audiologist who:
(a) holds a license and maintains good standing with the division;
(b) practices full-time as an audiologist and has done so for at least two years; and
(c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.
(8) "Supervising hearing instrument specialist" means a hearing instrument specialist who:
(a) holds a license issued in accordance with this chapter and maintains good standing with the division;
(b) practices full-time as a hearing instrument specialist and has done so for at least two years; and

(c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.
(9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.
(10) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-46a-501.

Amended by Chapter 140, 2026 General Session

Part 3
Licensing

58-46a-301 License required -- License classifications.
(1) A license is required to engage in the practice of hearing instrument specialist or hearing instrument intern, except as specifically provided in Section 58-1-307 or 58-46a-305.
(2) The division shall issue to an individual qualified under the provisions of this chapter a license in the classification of:
(a) hearing instrument specialist; or
(b) hearing instrument intern.

Enacted by Chapter 28, 1994 General Session

58-46a-302 Qualifications for licensure.
(1) Each applicant for licensure as a hearing instrument specialist shall:
(a) submit an application to the division on a form the division approves;
(b) pay a fee to the division as determined under Section 63J-1-504;
(c) pass an appropriate entry-level examination the division approves by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(d) complete at least six months of training with a supervising hearing instrument specialist or supervising audiologist;
(e) pass the Utah Hearing Instrument Specialists Law and Rule Examination; and
(f) if the applicant holds a hearing instrument intern license, surrender the hearing instrument intern license at the time of licensure as a hearing instrument specialist.
(2) Each applicant for licensure as a hearing instrument intern shall:
(a) submit an application to the division on a form the division approves;
(b) pay a fee to the division as determined under Section 63J-1-504;
(c) pass the Utah Law and Rules Examination for Hearing Instrument Specialists; and
(d) present evidence acceptable to the division that the applicant, when licensed, will practice as a hearing instrument intern under the supervision of a supervising hearing instrument specialist or supervising audiologist in accordance with Section 58-46a-302.5.

Amended by Chapter 140, 2026 General Session

58-46a-302.5 Supervision requirements -- Hearing instrument interns.
(1) Except as provided in Subsection (2), a hearing instrument intern may practice as a hearing instrument intern only under the direct supervision of a supervising hearing instrument specialist or supervising audiologist.

(2) A hearing instrument intern may practice under the indirect supervision of a supervising hearing instrument specialist if the hearing instrument intern:
(a) receives a passing score on a practical examination demonstrating acceptable skills in the area of hearing testing the division requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) completes an education and examination program or an equivalent college level program that the division approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 140, 2026 General Session

58-46a-303 Term of license -- Expiration -- Renewal of specialist and intern licenses.
(1)
(a)
(i) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(ii) The division may extend or shorten the renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(b) As a condition for renewal or reinstatement of licensure, the applicant shall attest that the applicant will:
(i) maintain competence and safe practices; and
(ii) provide evidence as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the division's request.
(c) A hearing instrument specialist license automatically expires on the expiration date shown on the license.
(2)
(a) The division shall issue a license for a hearing instrument intern for a term of three years.
(b) The division may renew a license for a hearing instrument intern for a term of three years for good cause shown, as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 140, 2026 General Session

58-46a-305 Exemptions from licensure.
In addition to the exemptions in Section 58-1-307, the following individuals may engage in an act or practice included within the definition of hearing instrument specialist or hearing instrument intern without being licensed under this chapter:
(1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
(2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah Osteopathic Medical Practice Act; and
(3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician Assistant Act.

Amended by Chapter 140, 2026 General Session

58-46a-307 Licensee required to prove licensure to commence or maintain action.

A person may not commence or maintain an action in any court of the state for collection or compensation in any amount resulting from performance of acts or practices for which a license is required under this chapter unless that person was properly licensed under this chapter as a hearing instrument specialist at the time there was an agreement made to perform the regulated acts and practices, when the regulated acts and practices were performed, and when the alleged cause of action arose.

Enacted by Chapter 28, 1994 General Session

Part 4
License Denial and Discipline

58-46a-401 Grounds for denial of license -- Disciplinary proceedings.

(1) The division may:
(a) refuse to issue a license to an applicant;
(b) refuse to renew a license;
(c) revoke, suspend, or restrict a license;
(d) place a licensed individual on probation;
(e) issue a public or private reprimand to a licensed individual; or
(f) issue a cease and desist order.
(2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

Amended by Chapter 140, 2026 General Session

Part 5
Unprofessional Conduct

58-46a-501 Unprofessional conduct.

"Unprofessional conduct" includes:
(1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will be improved by using a hearing instrument;
(2) failing to make an appropriate referral to a qualified health care provider with respect to a condition a licensed individual detects in a patient if the condition is generally recognized in the profession as one the licensed individual should refer;
(3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling the hearing instrument;
(4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under this chapter and specifically with respect to the benefits of a hearing instrument or the degree to which a hearing instrument will benefit a patient;
(5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect results that cannot be accurately predicted;

(6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom a hearing instrument has been prescribed and sold upon being informed by the patient that the hearing instrument does not produce the results the licensed individual represented;
(7) failing to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient before providing the services or hearing instrument;
(8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division that the patient has not obtained the recovery of hearing the licensed individual represented in writing before the sale of the hearing instrument;
(9) paying a professional individual any consideration of any kind for referral of a patient;
(10) failing, when acting as a supervising hearing instrument specialist or supervising audiologist, to provide supervision and training in hearing instrument sciences in accordance with Section 58-46a-302.5;
(11) engaging in the practice as a hearing instrument intern when not under the supervision of a supervising hearing instrument specialist or supervising audiologist in accordance with Section 58-46a-302.5;
(12) failing to describe in any advertisement, presentation, purchase, or trial agreement, the circuitry of a hearing instrument as being either "digital" or "analog" or other acceptable terms the division determines;
(13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;
(14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as the rules and regulations pertain to the hearing instrument specialist;
(15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly calibrated and in good working condition;
(16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503;
(17) fitting or testing an individual's hearing aid, or testing an individual's hearing if the individual is less than 18 years old unless the hearing instrument specialist receives a written statement that the individual's hearing loss has received a medical evaluation and that the individual may be considered a candidate for a hearing aid; and
(18) fitting or testing an individual's hearing aid, or testing an individual's hearing if the individual is less than six years old.

Amended by Chapter 140, 2026 General Session

58-46a-502 Additional requirements for practicing as a hearing instrument specialist.

An individual engaging in the practice of a hearing instrument specialist shall:
(1) have a regular place or places of business from which the individual conducts business as a hearing instrument specialist and the place or places of business shall be represented to a patient and others with whom business is conducted by the street address at which the place of business is located;
(2) include in all advertising or other representation the street address at which the business is located and the telephone number of the business at that street address;
(3) provide as part of each transaction between a licensed individual and a patient related to testing for hearing loss and selling of a hearing instrument written documentation provided to the patient that includes:
(a) identification of a service or a product provided to the patient by the hearing instrument specialist and the charges for each service or product;

(b) a statement whether a hearing instrument provided to a patient is "new," "used," or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to each instrument; and
(c) the identity and license number of each hearing instrument specialist or hearing instrument intern who provided services or products to the patient;
(4) before providing services or products to a patient:
(a) advise the patient regarding services and products offered to the patient, including the expected results of the services and products;
(b) inform each patient who is being offered a hearing instrument about hearing instruments that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and
(c) obtain written informed consent from the patient regarding offered services, products, and the expected results of the services and products in a form the division approves;
(5) obtain the patient's informed consent and agreement to purchase the hearing instrument based on that informed consent either by the hearing instrument specialist or the hearing instrument intern, before designating an appropriate hearing instrument; and
(6) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the hearing instrument specialist at the time informed consent was given before the sale and fitting of the hearing instrument, provide:
(a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or
(b) for the refund of fees paid by the patient for the hearing instrument to the hearing instrument specialist within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing.

Amended by Chapter 140, 2026 General Session

58-46a-503 Testing period for a hearing instrument.
(1)
(a) A person that sells a hearing instrument to a consumer shall provide a written receipt or a written contract to the consumer.
(b) The written receipt or the written contract shall provide the consumer with a 30-day right to cancel the purchase if the hearing instrument does not function adequately for the consumer.
(c) A person that sells a hearing instrument shall provide a refund to the consumer if the consumer returns the hearing instrument to the person in the same condition as when purchased, excluding ordinary wear and tear within the 30-day right to cancel described in Subsection (1)(b).
(d) The written receipt or the written contract shall notify the consumer of the 30-day right to cancel in at least 12 point font.
(e) The 30-day right to cancel period shall commence from the later of the day on which:
(i) the hearing instrument is originally delivered to the consumer;
(ii) the written receipt is dated; or
(iii) the contract is delivered to the consumer.
(f) The 30-day period is paused while the hearing instrument specialist possesses or controls the hearing instrument after the hearing instrument's original delivery.
(2)

(a) Upon exercise of the right to cancel a hearing instrument purchase, the hearing instrument specialist may collect from the purchaser a cancellation fee of up to 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the hearing instrument.
(b) The written receipt or the written contract provided to the consumer shall state the exact amount of the cancellation fee.

Amended by Chapter 140, 2026 General Session

Chapter 47b
Massage Therapy Practice Act

Part 1
General Provisions

58-47b-101 Title.
This chapter is known as the "Massage Therapy Practice Act."

Amended by Chapter 159, 1998 General Session

58-47b-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
(2) "Bodywork" means:
(a) the systematic manual or mechanical manipulation of the soft tissue of the body;
(b) the use of the hands or a mechanical or electrical apparatus in connection with an activity described in this Subsection (2);
(c) range of motion movements or movements without adjustment or articulation of the spinal column as defined in Section 58-73-102;
(d) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;
(e) manual traction and stretching exercise;
(f) activities and modality techniques similar or related to the activities and techniques described in this Subsection (2); or
(g) providing, offering, or advertising a paid service using the term "massage" or a derivative of the word "massage" regardless of whether the service includes physical contact.
(3)
(a) "Breast" means the female mammary gland.
(b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the upper chest.
(4) "Homeostasis" means the maintenance, the stabilization, or the return of the muscular system to equilibrium.
(5) "Licensed individual" means an individual who is a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.

(6) "Licensed massage therapist" means an individual licensed under this chapter to perform massage services without supervision.
(7) "Limited massage therapy" means:
(a) bodywork that is not intended to be billed to an insurance company; or
(b) bodywork that is not supervised by:
(i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
(ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
(iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
(iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
(v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
(vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.
(8) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice.
(9) "Massage assistant" means an individual licensed under this chapter as a massage assistant.
(10) "Massage assistant-in-training" means an individual licensed under this chapter as a massage assistant-in-training.
(11)
(a) "Massage establishment" means a place where massage services are performed by an individual.
(b) "Massage establishment" includes a location an owner rents or leases to multiple sole practitioners to perform massage services.
(c) "Massage establishment" does not include:
(i) a location owned, rented, or leased by a single sole practitioner to perform massage services;
(ii) an out-call location; or
(iii) a massage school where massage services are only performed for an educational purpose.
(12) "Massage services" means massage therapy or limited massage therapy.
(13) "Massage therapy" means:
(a) bodywork that is intended to be billed to an insurance company;
(b) bodywork that is supervised by:
(i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
(ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
(iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
(iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
(v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
(vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
(c) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;
(d) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain;
(e) the use of rehabilitative procedures involving the soft tissue of the body;
(f) correction of muscular distortion by treatment of the soft tissues of the body; or
(g) work on an acute or subacute injury.
(14) "Massage therapy supervisor" means a licensed massage therapist in good standing who has lawfully engaged in massage services for at least 3,000 hours.
(15) "Out-call location" means a location:

(a) where massage services are provided; and
(b) that a sole practitioner or a massage establishment does not own, lease, or rent.
(16)
(a) "Owner" means an individual who controls the operation of a massage establishment.
(b) "Owner" includes:
(i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly through an entity controlled by the individual, any of the outstanding shares of an entity that owns, leases, or otherwise operates a massage establishment that:
(A) is a corporation; or
(B) is not publicly listed or traded;
(ii) an individual who owns, directly or indirectly through an entity controlled by the individual, any part of an entity that is not a corporation and that owns, leases, or otherwise operates a massage establishment;
(iii) an individual:
(A) in whose name a certificate of occupancy has been issued for a massage establishment; or
(B) that operates a massage establishment under a lease, operating agreement, franchise, or other arrangement; and
(iv) a sublessee or other legal possessor.
(17) "Registered massage establishment" means a massage establishment that is registered with the division to lawfully provide massage services at a fixed massage establishment location in this state.
(18) "Soft tissue" means the muscles and related connective tissue.
(19) "Sole practitioner" means a licensed massage therapist who:
(a) does not employ or contract with a licensed individual to offer massage services; and
(b) does not employ an individual who works at the sole practitioner's location on a regular basis.
(20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501, 58-47b-501, and 58-47b-501.1.
(21) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501, 58-47b-502, and 58-47b-502.1 and as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 236, 2025 General Session

Part 2
Board

58-47b-201 Board.
(1) There is created the Board of Massage Therapy and Acupuncture consisting of:
(a) four massage therapists;
(b) two licensed acupuncturists as defined in Section 58-72-102; and
(c) one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3)
(a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 72, Acupuncture Licensing Act.

(b) In addition, the board shall designate one of the board's members on a permanent or rotating basis to:
(i) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 72, Acupuncture Licensing Act; and
(ii) advise the division in the division's investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the complaint's investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 96, 2026 General Session

Part 3
Licensing

58-47b-301 Licensure required -- Registration required -- Scope of practice -- Individuals.
(1) An individual shall hold a license to perform massage services.
(2) Only a licensed individual may:
(a) represent oneself as a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist;
(b)
(i) represent oneself as providing massage services; or
(ii) use the word "massage" or any similar wording to describe the service; or
(c) charge or receive a fee or any consideration for providing massage services.
(3) A licensed individual, other than a sole practitioner, may perform massage services only in:
(a) a registered massage establishment;
(b) an out-call location; or
(c) a location exempt from registration under Section 58-47b-304.1.
(4) A sole practitioner may offer massage services from:
(a) an out-call location;
(b) the licensed individual's residence, if the licensed individual does not employ or contract with another licensed individual; or
(c) a location, other than the licensed individual's residence, that the licensed individual owns, rents, or leases.
(5)
(a) Subject to Subsection 58-47b-502(9):
(i) except as provided in Subsection (5)(b), a massage assistant-in-training may perform limited massage therapy under the direct supervision of a massage therapy supervisor;
(ii) a massage assistant may perform limited massage therapy without supervision after completing 300 hours under the indirect supervision of a massage therapy supervisor;
(iii) a massage apprentice may perform massage services under the supervision of a massage therapy supervisor as the division requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iv) a licensed massage therapist may perform massage services without supervision.
(b) A massage assistant-in-training is permitted to complete 150 hours under the indirect supervision of a massage therapy supervisor.

(6) A massage therapy supervisor may supervise at one time up to six individuals of which no more than four may be massage apprentices or massage assistants-in-training.

Amended by Chapter 236, 2025 General Session

58-47b-301.1 Massage establishment registration required -- Maintenance of registration.

(1) An owner shall register a massage establishment with the division.

(2)

(a) Each place of business shall register separately.

(b) If multiple massage establishments exist at the same address, each massage establishment shall register separately.

(3) A massage establishment shall provide the physical address where the massage establishment operates to the division.

(4) A massage establishment may not allow massage services on the massage establishment's premises unless the massage establishment is registered in accordance with this section.

(5)

(a) A registered massage establishment shall ensure only a licensed individual or an exempt individual performs massage services.

(b) A registered massage establishment shall maintain documentation of the employment or contract relationship and make the documentation available during an inspection or investigation by the division.

(6) An owner may not assign or transfer a massage establishment registration.

(7) Upon the sale, sublease, or change of legal possession of a registered massage establishment, the owner, lessee, or legal possessor of the massage establishment shall notify the division in a form the division approves within 30 days after the day on which the ownership, lessee, or legal possession changes.

(8) Whenever statute or rule requires or prohibits action by a registered massage establishment, any owner of the registered massage establishment is responsible for all activities of the registered massage establishment, regardless of the form of the business organization.

Enacted by Chapter 236, 2025 General Session

58-47b-302 Qualifications for registration and licensure -- Individuals.

(1) An applicant for a massage assistant-in-training license shall provide satisfactory evidence to the division that the applicant will practice as a massage assistant-in-training only under the supervision of a massage therapy supervisor.

(2) An applicant for a massage assistant license shall:

(a)

(i) complete 300 hours of education that meets the standards the division requires by rule;

(ii) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in massage school; and

(iii) pass an examination as the division requires by rule;

(b)

(i) while the applicant is licensed as a massage assistant-in-training:

(A) complete at least 150 hours of education that meets the standards the division requires by rule under the direct supervision of a massage therapy supervisor; and

(B) complete 150 hours of education that meets the standards the division requires by rule under the indirect supervision of a massage therapy supervisor;

(ii) complete training on the activities described in Subsection (5)(d); and
(iii) pass an examination as the division requires by rule; or
(c)
(i) have a massage safety permit; and
(ii) pass an examination as the division requires by rule that contains questions that demonstrate the applicant's understanding of:
(A) the basics of anatomy;
(B) the basics of contraindications relating to massage;
(C) the basics of kinesiology;
(D) the basics of pathology;
(E) the basics of physiology; and
(F) the laws and rules relating to massage therapy.
(3) An applicant for a massage apprentice license shall provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the supervision of a massage therapy supervisor as the division requires by rule.
(4) An applicant for a massage therapist license shall:
(a)
(i)
(A) have graduated from a school of massage having a curriculum that meets the standards the division requires by rule; and
(B) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in massage school;
(ii)
(A) have completed equivalent education in compliance with standards the division requires by rule; and
(B) complete training on the activities described in Subsection (5)(d); or
(iii)
(A) have completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training in accordance with standards the division requires by rule; and
(B) complete training on the activities described in Subsection (5)(d) while the applicant is a massage apprentice; and
(b) pass an examination as the division requires by rule.
(5) An applicant for a massage safety permit shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) be 18 years old or older; and
(d) complete an educational module the division requires by rule that includes:
(i) practicing physical boundaries;
(ii) draping;
(iii) gaining consent; and
(iv) taking a medical history.
(6) An applicant for licensure under this chapter shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) be 18 years old or older;
(d) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(e) meet any standard related to the criminal background check described in Subsection (6)(d) as the division requires by rule; and
(f) disclose any criminal history the division requests on a form the division approves.
(7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
(a) the examinations required by this chapter;
(b) the standards of a massage assistant-in-training program;
(c) the standards for a massage school curriculum;
(d) the equivalent education and training for a licensed massage therapist;
(e) the standards of a massage apprenticeship program including supervision requirements;
(f) the educational module described in Subsection (5)(d); and
(g) the standards for the criminal background check described in Subsection (6)(e).

Repealed and Re-enacted by Chapter 236, 2025 General Session

58-47b-302.2 Qualifications for registration -- Massage establishments.
(1)
(a) The owner of a massage establishment shall register the massage establishment.
(b) If the massage establishment has multiple owners, the owners of the massage establishment shall choose one owner to register the massage establishment.
(2) To register a massage establishment, the owner shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide satisfactory documentation:
(i) of registration with the Division of Corporations and Commercial Code;
(ii) of business licensure if the municipality or county in which the massage establishment is located requires a business license;
(iii) that the massage establishment's physical facilities comply with the requirements the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iv) of each owner's ownership or right to possession of the premises where the massage establishment will be operated;
(d)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any standard related to the criminal background check described in Subsection (2)(d)(i), that the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(e) submit the following information for each individual for whom a criminal background check is required under Subsection (3):
(i) full name;
(ii) any name used;
(iii) date of birth;
(iv) social security number or other satisfactory evidence of the applicant's identity permitted by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(v) address;
(vi) phone number;

(vii) email address;
(viii) license number, if licensed under this chapter;
(ix) registration number, if registered under this chapter;
(x) a recent color photograph of each owner; and
(xi) fingerprints in a form the division approves;
(f) allow the division to verify that the applicant and each individual listed in Subsection (3) is legally present in the United States;
(g) submit a signed attestation in a form the division approves by rule attesting that the massage establishment does not engage in illegal activities including human trafficking, sex advertising, or unlicensed practice; and
(h) meet with the division or board if requested by the division or board.
(3) An individual shall consent to and complete a criminal background check in accordance with Subsection (2)(d) if the individual:
(a) personally or constructively holds, including as the beneficiary of a trust:
(i) at least 10% of the entity's outstanding stock; or
(ii) more than $25,000 of the fair market value of the entity;
(b) has a direct or indirect participating interest through shares, stock, or otherwise, regardless of whether voting rights are included, of more than 10% of the profits, proceeds, or capital gains of the entity;
(c) is a member of the board of directors or other governing body of the entity; or
(d) serves as:
(i) an elected officer of the entity; or
(ii) a general manager of the entity.
(4) A minor who is an owner of the massage establishment as the beneficiary of a trust is exempt from Subsections (2)(d) and (2)(e).
(5) The division may require an owner to prove continuing right of possession at any time during the registration period.

Enacted by Chapter 236, 2025 General Session

58-47b-303 Term of license and registration -- Expiration -- Renewal -- Individuals.
(1)
(a) Except as provided in Subsection (3), the division shall provide licensing under this chapter in accordance with a two-year renewal cycle established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The division may extend or shorten a license renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) Subject to Subsection (3), a license automatically expires on the expiration date shown on the license unless renewed by the licensed individual in accordance with Section 58-1-308.
(3)
(a) A massage apprentice license expires 24 months after the day on which the division issues the massage apprentice license.
(b) A massage assistant-in-training license expires six months after the day on which the division issues the massage assistant-in-training license.
(c) The division may not renew or extend a massage apprentice or massage assistant-in-training license unless:
(i) a circumstance or hardship arose beyond the individual's control that prevented the individual from completing the process;

(ii) the division grants the renewal or extension for a period proportionate to the circumstance or hardship; and
(iii) the individual's massage therapy supervisor consents in writing to the renewal or extension.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing the evidence an applicant shall present to renew a license.

Amended by Chapter 236, 2025 General Session

58-47b-303.1 Term of registration -- Expiration -- Renewal -- Massage establishments.
(1)
(a) Except as provided in Subsection (3), the division shall issue a registration under this chapter in accordance with a two-year renewal cycle.
(b) The division may extend or shorten a renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) A registration automatically expires on the expiration date shown on the registration unless the registered massage establishment renews.
(3) At the time of renewal, a registered massage establishment shall:
(a) complete and submit an application for renewal in the form the division approves; and
(b) pay a renewal fee established by the department under Section 63J-1-504.

Enacted by Chapter 236, 2025 General Session

58-47b-304 Exemptions from licensure -- Individuals.
(1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may perform massage services, subject to the stated circumstances and limitations, without being a licensed individual:
(a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
(b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
(c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife Practice Act;
(d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
(e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
(f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
(g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
(h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
(i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
(j) a student in training enrolled in a massage therapy school approved by the division;
(k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
(l)
(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
(ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
(m) an individual performing animal massage therapy under the rules made by the division in accordance with Subsection 58-28-307(12);

(n) an individual performing gratuitous massage;
(o) an individual:
(i) certified by or through, and in good standing with, an industry organization that is recognized by the division and that represents a profession with established standards and ethics:
(A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
(B) who is certified to practice a type of zone therapy, including foot zone therapy, and whose practice is limited to the scope of practice for which the individual is certified;
(C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
(D) who is certified to practice bowenwork and whose practice is limited to the scope of practice of bowenwork; or
(E) who is certified to practice a type of brain integration and whose practice is limited to the scope of practice for which the individual is certified;
(ii) whose clients remain fully clothed from the shoulders to the knees; and
(iii) whose clients do not receive gratuitous massage from the individual; and
(p)
(i) an individual performing massage services who:
(A) holds a valid license, permit, certificate, or registration, for massage services issued by any other jurisdiction of the United States or by a foreign country; or
(B) holds a certification from a nationally recognized massage therapy organization if the nonresident individual is from a jurisdiction of the United States that does not regulate massage therapy; and
(ii) is temporarily performing massage services in this state for a period that does not exceed 30 days for the purpose of:
(A) presenting educational or clinical programs, lectures, seminars, or workshops;
(B) providing massage services during an emergency as part of a disaster response team; or
(C) consulting with a licensed individual regarding massage services.
(2) An individual described in Subsection (1) may not represent oneself as a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.
(3) This chapter may not be construed to:
(a) authorize any individual licensed under this chapter to engage in any manner in the practice of medicine as defined by the laws of this state;
(b) require insurance coverage or reimbursement for massage services from third party payors; or
(c) prevent an insurance carrier from offering coverage for massage services.

Amended by Chapter 236, 2025 General Session

58-47b-304.1 Exemptions from registration -- Massage establishments.

The following establishments or facilities are exempt from registering as massage establishments:
(1) hospitals or medical clinics;
(2) physician offices;
(3) physical therapy facilities;
(4) chiropractic offices;
(5) athletic training facilities or institutions of secondary or higher education when massage services are performed in connection with employment related to athletic teams;

(6) a sole practitioner who only rents or leases to a sole practitioner if the sole practitioner meets the requirements described in Section 58-47b-504; and
(7) other facilities as defined by rule.

Enacted by Chapter 236, 2025 General Session

58-47b-305 State and local jurisdiction.
(1)
(a) The division is the only agency authorized to license and register individuals to perform massage services within the state or any of the state's political subdivisions.
(b) This chapter does not prevent any political subdivision of the state from enacting:
(i) subject to Subsection (1)(b)(ii), ordinances governing the operation of establishments offering massage services; or
(ii) ordinances regulating the practice of massage therapy or the practice of limited massage therapy, if:
(A) except as provided in Subsection (1)(b)(ii)(B), the ordinances are at least as stringent as this chapter; and
(B) the ordinances do not require a background check.
(2) This chapter does not prohibit any political subdivision of the state from prosecuting:
(a) an individual who is engaged in massage services without the required license; or
(b) an individual or a massage establishment that is engaged in unlawful conduct.

Amended by Chapter 236, 2025 General Session

58-47b-306 Required identification and disclosures -- Individuals.
(1)
(a) Before a licensed individual first provides massage services to a client, the licensed individual shall obtain from the client a completed and signed intake form.
(b) The division may further define the intake form by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) While performing massage services, a licensed individual:
(a) except as required in Subsection (2)(b), shall wear or display the licensed individual's first and last name and license type;
(b) shall wear or display the licensed individual's first name and last initial and license type if the licensed individual requests redaction as described in Subsection 58-47b-306.1(2); and
(c) may not identify to any person in connection with massage services other than as the individual's license.
(3) Before scheduling or agreeing to a massage service, the client shall receive notice of the first name and last initial of the licensed individual performing the massage services and the licensed individual's license type.

Amended by Chapter 236, 2025 General Session

58-47b-306.1 Required signage and disclosures -- Massage establishments.
(1) A massage establishment shall display prominently:
(a) the massage establishment registration;
(b) a copy of the state issued license for each licensed individual contracted with or employed by the establishment;

(c) division resources required by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(d) a sign that states some massage services offered at the registered massage establishment is performed by a massage assistant-in-training, a massage assistant, or a massage apprentice if the massage establishment employs or contracts with a massage assistant-in-training, a massage assistant, or a massage apprentice.
(2) If a licensed individual has a reasonable belief that the licensed individual's safety may be compromised, the licensed individual may request that the provider redact the displayed license to provide only the first name and last initial and the license type for the licensed individual.
(3) The massage establishment shall display signage that:
(a) states the massage establishment has verified that all providers are licensed individuals under Section 58-47b-302; and
(b) informs clients of:
(i) the right to request the provider's first name and last initial and license type; and
(ii) methods for reporting complaints to the division.

Enacted by Chapter 236, 2025 General Session

Part 4
License Denial and Discipline

58-47b-401 Grounds for denial of license -- Individuals.

If there are grounds in accordance with Section 58-1-401, the division may take the following actions regarding a licensed individual:
(1) refusal to issue a license to an applicant;
(2) refusal to renew the license of a licensee;
(3) revocation, suspension, restriction, or placement on probation of a license;
(4) issuance of a public or private reprimand to a licensee; and
(5) issuance of a cease and desist order.

Amended by Chapter 236, 2025 General Session

58-47b-401.1 Grounds for denial of registration -- Massage establishments.

The division shall deny an application for registration of a massage establishment under this chapter if:
(1) the location in the registration application had a registration revoked or surrendered for cause within the last two years;
(2) the application is for a location or a business that has advertised in a manner that reasonably implies sexual services are offered at the location;
(3) within two years before the date of the application, an owner had a previous license or registration issued under this chapter suspended or revoked; or
(4) an owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 236, 2025 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-47b-501 Unlawful conduct -- Individuals.

(1) "Unlawful conduct" for an individual includes:
  (a) performance of massage services without being a licensed individual or an exempt individual;
  (b) advertisement of or representation of oneself as able to perform massage services when not a licensed individual or an exempt individual;
  (c) performance of massage services outside the scope of what the licensed individual is licensed or registered to perform; or
  (d) while performing massage services, massage, touch, or application of any instrument or device to the:
    (i) genitals;
    (ii) anus; or
    (iii) except as provided in Subsection (2), breasts of a female client.

(2)
  (a) Subsection (1)(d)(iii) does not apply if a female client:
    (i) requests breast massage, as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is performed.
  (b) If the female client is a minor, the female client's parent or legal guardian shall sign the written consent form described in Subsection (2)(a).

Amended by Chapter 236, 2025 General Session

58-47b-501.1 Unlawful conduct -- Massage establishments.

"Unlawful conduct" for a massage establishment includes:
(1) operation without a valid registration;
(2) use of a registered massage establishment as housing, sheltering, or for harboring any individual;
(3) performance of massage services by an individual who is not licensed or exempt;
(4) performance of:
  (a) massage services without the individual performing the massage being fully clothed; or
  (b) a sexual act;
(5) arrangement for a sexual act;
(6) use or the possession of adult-oriented merchandise while at the registered massage establishment;
(7) advertisement on a sexually oriented website;
(8) advertisement of services in a manner that may be reasonably construed as sexual in nature;
(9) refusal of inspection by the division as authorized under Section 58-47b-601;
(10) arrangement or allowance of any of the unlawful acts described in Section 58-47b-501;
(11) failure to immediately report to a local police department any disorderly conduct, sexual acts, or other criminal activity occurring on or within the registered massage establishment's premises;

(12) concealment of an individual in the massage establishment;
(13) refusal to provide identification to inspectors or law enforcement; or
(14) attempt to elude an inspector by leaving the massage establishment or remaining behind locked doors in the massage establishment during an inspection.

Enacted by Chapter 236, 2025 General Session

58-47b-502 Unprofessional conduct -- Individuals.

"Unprofessional conduct" for an individual includes the following and may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(1) the maintenance, operation, or assistance in the establishment or operation of any place of business for the purpose of performing massage services without first obtaining a business license, if a license is required;
(2) failure to comply with any applicable ordinances relating to the regulation of massage establishment;
(3) failure to comply with all applicable state and local health or sanitation codes;
(4) failure of a massage therapy supervisor to properly supervise a massage apprentice, massage assistant, or a massage assistant-in-training;
(5) failure to maintain mechanical or electrical equipment in a safe operating condition;
(6) failure to adequately monitor clients utilizing steam rooms, dry heat cabinets, or water baths;
(7) prescription or administration of medicine or drugs;
(8) engagement in any act or practice in a professional capacity that is outside of the scope of massage services; and
(9) engagement in any act or practice in a professional capacity for which the licensed individual is not competent to perform through training or experience.

Amended by Chapter 236, 2025 General Session

58-47b-502.1 Unprofessional conduct -- Massage establishments.

"Unprofessional conduct" for a massage establishment includes the following and may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(1) failure to comply with employee or client recordkeeping requirements as established in rule;
(2) failure to comply with all applicable state and local health or sanitation codes and requirements as established by rule;
(3) failure to comply with facility requirements as established by rule;
(4) maintenance, operation, or assistance in an establishment or operation of any place of business for the purpose of performing massage services without first obtaining a business registration, if a license is required;
(5) failure to comply with any applicable ordinances relating to the regulation of massage establishment;
(6) failure to maintain mechanical or electrical equipment in a safe operating condition; and
(7) failure to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water baths.

Enacted by Chapter 236, 2025 General Session

58-47b-503 Penalties -- Individuals.

(1) Except as provided in Subsection (2), an individual who commits an act of unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
(2) Sexual conduct that violates Section 58-47b-501 and Title 76, Criminal Offenses, shall be subject to the applicable penalties in Title 76, Criminal Offenses.
(3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
  (a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
  (b) take any appropriate administrative action, which may include sending letters of concern to the municipality and the police department for the municipality in which the individual violates this chapter.
(4) The division shall deposit an administrative fine imposed in accordance with this section into the Commerce Service Account.
(5) If an individual has been convicted of violating Section 58-47b-501, before an administrative finding of a violation of the same section, the individual may not be assessed an administrative fine under this chapter for the same incident for which the conviction was obtained.
(6)
  (a) If, upon an inspection described in Section 58-47b-601 or an investigation under this section, the division concludes that an individual has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
    (i) notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act;
    (ii) attempt to negotiate a stipulated settlement; or
    (iii) promptly issue a citation to the individual according to this chapter and any pertinent rules.
  (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew the license of a licensed individual that fails to comply with the citation after the citation becomes final.
  (c) Failure of an individual to comply with a citation after the citation becomes final is a ground for denial of license or renewal.
  (d) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.
  (e)
    (i) In addition to or in lieu of an administrative fine authorized in Subsection (3), the division may assess a penalty to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.
    (ii) The penalty may be in an amount that is the greater of up to $10,000 per single violation or up to $2,000 per day of an ongoing violation in accordance with a penalty schedule established by rule.
    (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.
    (iv) The director may collect a penalty that is not paid by:
      (A) referring the matter to a collection agency; or
      (B) bringing an action in the district court of the county where the individual against whom the penalty is imposed resides or in the county where the office of the director is located.
    (v) The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.

(vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
(vii) In addition to or in lieu of a penalty, the division may order the individual to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions.
(7)
(a) A citation under Subsection (6) shall:
(i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
(ii) state that the individual to whom the division issues the citation shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
(iii) explain the consequences of failure to timely contest the citation or to make payment of any penalties assessed by the citation within the time specified in the citation.
(b) The division may serve a citation issued under this section, or a copy of each citation, upon any individual upon which a summons may be served:
(i) in accordance with the Utah Rules of Civil Procedure;
(ii) personally or upon the individual's agent by a division investigator or by any person specially designated by the director; or
(iii) by mail.
(c) If, within 20 calendar days after the day of service of a citation, the individual to whom the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
(d) The division may extend the period to contest the citation for cause.
(8)
(a) The division may suspend the license of a licensed individual without notice if:
(i) there is a pattern of credible facts that the individual is attempting to operate a prostitution enterprise; or
(ii) the individual is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.
(b) If the division suspends the license of a licensed individual without notice, the division shall hold a hearing within 15 days.

Amended by Chapter 291, 2026 General Session

58-47b-503.1 Penalties -- Massage establishments.

(1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division may:
(a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
(b) take any appropriate administrative action, which may include sending letters of concern to:
(i) the municipality and the police department for the municipality in which the massage establishment is located; or
(ii) the property owner or manager from which the massage establishment is leasing space.
(2) The division shall deposit an administrative fine imposed in accordance with this section into the Commerce Service Account.
(3) If a massage establishment owner has been convicted of violating Section 58-47b-501.1, before an administrative finding of a violation of the same section, the massage establishment

owner may not be assessed an administrative fine under this chapter for the same incident for which the conviction was obtained.

(4)

(a) If, upon an inspection described in Section 58-47b-601 or an investigation under this section, the division concludes that a massage establishment has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:

(i) notify the massage establishment to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act;

(ii) attempt to negotiate a stipulated settlement; or

(iii) promptly issue a citation to the massage establishment according to this chapter and any pertinent rules.

(b) The division shall suspend, revoke, place on probation, or refuse to issue or renew the registration of a registered massage establishment that fails to comply with the citation after the citation becomes final.

(c) Failure of a massage establishment to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.

(d) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.

(e)

(i) In addition to or in lieu of an administrative fine authorized in Subsection (1), the division may assess a penalty to any massage establishment that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.

(ii) The penalty may be in an amount that is the greater of up to $10,000 per single violation or up to $2,000 per day of an ongoing violation in accordance with a penalty schedule established by rule.

(iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.

(iv) The director may collect a penalty that is not paid by:

(A) referring the matter to a collection agency; or

(B) bringing an action in the district court of the county where the massage establishment against which the penalty is imposed resides or in the county where the office of the director is located.

(v) The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.

(vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

(vii) In addition to or in lieu of a penalty, the division may order the massage establishment to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.

(5)

(a) A citation under Subsection (4) shall:

(i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(ii) state that the massage establishment to which the division issues the citation shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iii) explain the consequences of failure to timely contest the citation or to make payment of any penalties assessed by the citation within the time specified in the citation.

(b) The division may serve a citation issued under this section, or a copy of each citation, upon any massage establishment upon which a summons may be served:

(i) in accordance with the Utah Rules of Civil Procedure;

(ii) personally or upon the massage establishment's agent by a division investigator or by any person specially designated by the director; or

(iii) by mail.

(c) If, within 20 calendar days after the day of service of a citation, the massage establishment to which the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(d) The division may extend the period to contest the citation for cause.

(6)

(a) The division may suspend a registered massage establishment's registration without notice if:

(i) there is a pattern of credible facts that the registered massage establishment is attempting to operate a prostitution enterprise; or

(ii) the registered massage establishment is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.

(b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.

Enacted by Chapter 236, 2025 General Session

58-47b-504 Renting or leasing to a sole practitioner.

A sole practitioner renting or leasing to a sole practitioner is not liable for the actions of the sole practitioner to which the sole practitioner rents or leases so long as the sole practitioner:

(1) verifies that the sole practitioner who is renting or leasing is a licensed massage therapist and in good standing in the state of Utah at the time of the rental or lease;

(2) obtains a signed attestation from the sole practitioner who is renting or leasing that the sole practitioner has no business arrangement with the licensed individual other than a rental or lease; and

(3) produces copies of the following if requested by the division:

(a) the sole practitioner's state massage license;

(b) the sole practitioner's signed attestation described in Subsection (2); and

(c) the rental agreement.

Enacted by Chapter 236, 2025 General Session

Part 6
Enforcement

58-47b-601 Inspection.

(1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the premises of any massage establishment.
(2) Before conducting an inspection under Subsection (1), the division shall:
(a) give proper identification;
(b) request the registration for the massage establishment;
(c) describe the nature and purpose of the inspection; and
(d) provide upon request, the authority of the division to conduct the inspection and the penalty for refusing to permit the inspection as provided in Section 58-47b-503.1.
(3) If during the inspection, the inspector has reasonable expectation that an occupant of a room is not fully clothed, the inspector shall allow the occupant a reasonable amount of time to dress before the inspector enters the room.
(4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):
(a) examine any record, device, equipment, machine, electronic device or media, or area related to the practice of massage therapy for the purpose of verifying compliance with the applicable provisions of this chapter;
(b) reproduce any record or media at the division's own cost; and
(c) take a device for further analysis if considered necessary.
(5) The owner or manager of the massage establishment shall assist the inspector by providing access to:
(a) all areas of the massage establishment;
(b) all personnel; and
(c) all records requested by the inspector.
(6) If upon inspection the division concludes that a person has violated the provisions of this chapter, or a rule or order issued with respect to this chapter, and that disciplinary action is appropriate, the director or the director's designee shall issue a penalty or citation to the registrant.

Enacted by Chapter 236, 2025 General Session

Chapter 49
Dietitian Certification Act

58-49-2 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Certified dietitian" means a person who is certified by the division as meeting the certification requirements provided in this chapter.
(2) "Commission on Dietetic Registration" means the credentialing component of the American Dietetic Association.
(3) "Dietetics" means the integration and application of principles derived from the sciences of food for the development, management, and provision of dietary services for individuals and groups for meeting their health care needs. "Dietetics" includes:
(a) the evaluation of a person's dietary status;
(b) the advising and education of persons on dietary needs; and

(c) the evaluation of needs, implementation of systems to support needs, and maintenance of appropriate standards of quality in food and dietary service for individuals, groups, or patients in licensed institutional facilities or in private office settings.

(4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes failing to maintain a level of professional practice consistent with all initial and subsequent requirements by which certification is achieved or maintained under this chapter.

Amended by Chapter 249, 2023 General Session

58-49-4 Qualifications for certification -- Fee.

(1) Each applicant for certification under this chapter shall provide proof satisfactory to the division that the applicant:

(a) holds a baccalaureate or post-baccalaureate degree conferred by a college or university approved by the division at the time the degree was conferred with a major course of study in the sciences of food, dietetics, food systems management, or an equivalent major course of study;

(b) has completed an internship or preplanned professional baccalaureate or post-baccalaureate experience in a dietetic program under the supervision of a certified dietitian who is certified under this chapter or certified, registered, or licensed under the laws of another state or territory of the United States;

(c) has satisfactorily passed a competency examination, approved by or given at the direction of the division; and

(d) has paid the appropriate fees determined by the Department of Commerce. The fee assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost of services provided.

(2) In addition to the requirements of Subsection 58-49-4(1), an applicant seeking to exercise the compact privilege in accordance with Chapter 89, Dietitian Licensure Compact, shall:

(a) complete a criminal background check in accordance with Section 58-1-301.5;

(b) meet any other standard related to the criminal background check described in Chapters 58 through 89, that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 64, 2026 General Session

58-49-7 Certificates -- Display -- Surrender.

(1) Any person who meets the certification qualifications of this chapter shall receive a certificate stating that the person has met these qualifications.

(2) Each certified dietitian shall:

(a) display the certificate in an appropriate, conspicuous, and public manner; and

(b) keep the division informed of the certified dietitian's current address.

(3) A certificate issued by the division is the property of the division and shall be surrendered on demand.

Amended by Chapter 302, 2025 General Session

58-49-8 Term of license -- Expiration -- Renewal.

(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-49-9 Use of titles by uncertified person.

No person, without first being certified under this chapter may:
(1) assume or use the title or designation "dietitian," "certified dietitian," "registered dietitian," "registered dietitian nutritionist," the letters "C.D.," the letter "D.," or any other title, words, letters, abbreviations, or insignia indicating or implying that the person is a certified dietitian, including by using any of the preceding terms with the alternative spelling "dietician"; or
(2) represent in any way, whether orally, in writing, in print, or by signature, directly or by implication, that the person is a certified dietitian.

Amended by Chapter 339, 2020 General Session

58-49-10 Violation -- Misdemeanor.

The violation of any provision of this chapter is a class B misdemeanor.

Enacted by Chapter 192, 1986 General Session

58-49-11 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Enacted by Chapter 297, 1993 General Session

Chapter 50
Private Probation Provider Licensing Act

58-50-1 Short title.

This chapter shall be known as the "Private Probation Provider Licensing Act."

Enacted by Chapter 124, 1990 General Session

58-50-2 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Private Probation Provider Licensing Board created in Section 58-50-3.
(2) "Court" means the particular court that orders probation in a case.

(3) "Private probation" means the preparation of presentence investigation reports and the performance of supervision services by a private probation provider and funded by a court-ordered fee, to be paid by the defendant, in accordance with Subsection 77-18-105(6)(a)(vii).
(4)
(a) "Private probation provider" means any private individual preparing presentence investigation reports or providing probation supervision in accordance with a court order under Section 77-18-105 and who is licensed under this chapter, and whose services are limited to minor offenses and misdemeanor violations.
(b) A private probation provider does not have the authority of a peace officer.
(5) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
(a) failure to disclose any financial or personal interest or prior relationship with parties that affects the private probation provider's impartiality or otherwise constitutes a conflict of interest;
(b) providing contract probation services when any financial or personal interest or prior relationship with parties affects the private probation provider's impartiality or otherwise constitutes an actual conflict of interest;
(c) failure to clearly define to the offender the services provided by the private probation provider, the rules of conduct, the criteria used, and the fees charged;
(d) failure to provide adequate supervision, or supervision as ordered by the court, as determined by the division in collaboration with the board; and
(e) failure to comply with the standards specified in Section 58-50-9.

Amended by Chapter 260, 2021 General Session

58-50-3 Board -- Membership -- Duties.
(1) There is created the Private Probation Provider Licensing Board. The board shall consist of five members as follows:
(a) one member representing the administrative office of the courts;
(b) one member representing the Department of Corrections;
(c) two members licensed as private probation providers; and
(d) one member from the general public.
(2) The board shall be appointed by the governor and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

Amended by Chapter 297, 1993 General Session

58-50-4 License required -- License classifications.
(1) An individual may not engage in practice as a private probation provider unless licensed or exempted from licensure under this chapter.
(2) The division shall issue to a person qualified for licensure under the provisions of this chapter a license as a private probation provider.

Amended by Chapter 297, 1993 General Session

58-50-5 Qualifications for licensure.
An applicant for licensure as a private probation provider shall:

(1) have a baccalaureate degree in a program approved by the division in collaboration with the board or have a combination of equivalent education and training as determined by the division in collaboration with the board;
(2) submit evidence that a business license to engage in private probation has been issued by the political subdivision of the state in which the applicant intends to establish a business office or offices; and
(3) apply for licensure and pay the required fees.

Amended by Chapter 302, 2025 General Session

58-50-6 Term of license -- Expiration -- Renewal.
(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) At the time of renewal the licensee shall show satisfactory evidence of completion of continuing education as required under this chapter.
(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-50-7 Grounds for denial of license -- Disciplinary proceedings.
Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Repealed and Re-enacted by Chapter 297, 1993 General Session

58-50-9 Standards of conduct for private probation providers -- Contracts -- Reports.
(1) As used in this section, "human services program" means the same as that term is defined in Section 26B-2-101.
(2) The private probation provider:
(a) shall maintain impartiality toward all parties;
(b) shall ensure that all parties understand the nature of the process, the procedure, the particular role of the private probation provider, and the parties' relationship to the private probation provider;
(c)
(i) shall maintain confidentiality; or
(ii) if the law does not protect confidentiality, shall advise the parties that confidentiality is not protected;
(d)
(i) shall disclose any circumstance that may create or give the appearance of a conflict of interest and any circumstance that may reasonably raise a question as to the private probation provider's impartiality; and
(ii) if the contract probation provider believes a conflict of interest may exist, shall refrain from providing into those probation services;
(e) shall adhere to the standards regarding private probation services the licensing board adopts;

(f)
(i) shall comply with the orders of a court with jurisdiction; and
(ii) shall notify the court that the private probation provider is providing supervision services to a defendant;
(g) shall perform duties in accordance with Section 77-18-105, as a court with jurisdiction orders;
(h) shall provide private probation in a county where an agency of local government provides probation services only if the private probation provider has entered into a contract with the agency of local government;
(i) shall provide a report each month to each county sheriff where the private probation provider provides private probation identifying:
(i) each individual in the county that the private probation provider currently supervises;
(ii) the crimes each supervised individual committed;
(iii) the level of supervision that the private probation provider provides for each supervised individual; and
(iv) any other information related to the provision of private probation that:
(A) the county sheriff determines is relevant; and
(B) complies with the Health Insurance Portability and Accountability Act, 42 U.S.C. Sec. 1320d et seq.;
(j) may not solicit defendants as supervision clients on any property that operates as a court of justice as described in Section 78A-1-101; and
(k) may not simultaneously provide to a defendant private probation services and other services for which the private probation provider receives compensation from a human services program.
(3) If, after conducting a screening of a defendant's risk and needs, a private probation provider determines that a defendant requires a specific assessment, treatment, or other services, the private probation provider shall:
(a) provide the defendant a list of each available human services program that provides the assessment, treatment, or other services; and
(b) permit the defendant to select a human services program in accordance with Subsection (3)(a) with which to complete the required assessment, treatment, or other services.
(4)
(a) Except as provided in Subsection (4)(b), a human services program may not simultaneously provide to a defendant private probation services and other services for which the human services program receives compensation, including:
(i) mental health therapy services;
(ii) education services; or
(iii) rehabilitation services.
(b) A human services program may simultaneously provide to a defendant private probation services and other services as described in Subsection (4)(a) if:
(i) no other human services program that provides the services is located within 50 miles of the defendant's residence; and
(ii) the private probation provider obtains the defendant's written informed consent.
(c) The written informed consent described in Subsection (4)(b) shall include:
(i) a separate paragraph describing what services beyond private probation services that the private probation provider may provide;
(ii) a separate paragraph describing how the defendant can withdraw consent;
(iii) a separate paragraph describing grievance procedures, including how to contact and file a complaint with the division's investigation office; and

(iv) a separate paragraph informing the defendant of the potential conflict of interest.

(d) The division shall revoke the license of a private probation provider who violates Subsection (4)(a).

(5) A contract described in Subsection (2)(h) shall include a description of the fees the private probation provider will charge a defendant who the private probation provider supervises.

Amended by Chapter 53, 2026 General Session

58-50-10 Exceptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in probation supervision services subject to the stated circumstances and limitations without being licensed under this chapter:

(1) an employee of the Division of Adult Probation and Parole created in Section 64-14-202 while the employee is performing probation services as part of the employee's normal duties and responsibilities;

(2) a member of the armed forces and an employee, agent, or representative of the federal government while acting in the member's, employee's, agent's, or representative's official capacity; and

(3) an agency of a local government in accordance with Section 77-18-105.

Amended by Chapter 214, 2025 General Session

Chapter 53
Landscape Architects Licensing Act

Part 1
General Provisions

58-53-101 Title.

This chapter is known as the "Landscape Architects Licensing Act."

Renumbered and Amended by Chapter 191, 1998 General Session

58-53-102 Definitions.

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

(1) "Board" means the Architects and Landscape Architects Licensing Board created in Section 58-3a-201.

(2) "Fund" means the Landscape Architects Education and Enforcement Fund created in Section 58-53-103.

(3) "Practice of landscape architecture" means rendering or offering to render any of the following services:

(a) production of a site plan which may include the design of any of the following:

(i) sprinkler irrigation systems;

(ii) landscape grading and drainage plans; or

(iii) parking lots;

(b) design of any of the following structures incidental to the production of a site plan:

(i) retaining walls; or
(ii) raised platforms, decks, and walkways;
(c) design of any of the following structures incidental to the production of a site plan when the structure does not exceed 1,000 square feet:
(i) covered pavilions;
(ii) gazebos;
(iii) restrooms;
(iv) storage and maintenance facilities; or
(v) other accessory structures; or
(d) collaboration with architects and professional engineers in the design of roads, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which they are to be placed.
(4) "Principal" means a licensed landscape architect having responsible charge of a landscape architectural practice.
(5) "Supervision" with respect to the supervision of an employee of a landscape architect, means that a licensed landscape architect is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee under the direction of the landscape architect, and may be further defined by rule of the division in collaboration with the board.
(6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.
(7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be further defined by rule of the division in collaboration with the board.

Amended by Chapter 507, 2024 General Session

58-53-103 Education and enforcement fund.
(1) There is created an expendable special revenue fund known as the "Landscape Architects Education and Enforcement Fund."
(2) The fund consists of money from:
(a) a surcharge placed on application fees for initial, renewal, and reinstatement licensure under this chapter, in an amount established by the division with the collaboration of the board in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and
(b) administrative penalties collected pursuant to this chapter.
(3) The fund shall earn interest, and all interest earned on fund money shall be deposited into the fund.
(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
(a) education and training of licensees under this chapter;
(b) education and training of the public or other interested persons in matters concerning landscape architectural laws and practices; and
(c) enforcement of this chapter by:
(i) investigating unprofessional or unlawful conduct; and
(ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
(5) If the balance in the fund exceeds $100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
(6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 400, 2013 General Session

Part 3
Licensing

58-53-301 Licensure required--License classification.

(1) A license is required to engage in the practice of landscape architecture except as specifically provided in Section 58-1-307 or 58-53-304.

(2) The division shall issue a license under this chapter to a qualified person in the classification of landscape architecture.

Enacted by Chapter 191, 1998 General Session

58-53-302 Qualifications for licensure.

(1) Each applicant for licensure as a landscape architect shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c)

(i) have graduated and received an earned bachelors or masters degree from a landscape architecture program meeting criteria established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(ii) have completed not less than eight years of supervised practical experience in landscape architecture which meets the requirements established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(d) have successfully passed examinations established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Satisfactory completion of each year of a landscape architectural program described in Subsection (1)(c)(i) is equivalent to one year of experience for purposes of Subsection (1)(c)(ii).

Amended by Chapter 223, 2023 General Session

58-53-303 Term of license -- Expiration -- Renewal.

(1)

(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The division may by renewal extend or shorten a license expiration date by as much as one year to stagger the renewal cycles it administers.

(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

(3) Each person holding a current license issued under this chapter shall complete in each period of licensure a program of qualifying continuing professional education in accordance

with standards defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 263, 2011 General Session

58-53-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated limited acts or practices without being licensed under this chapter:

(1) a person preparing a site plan as defined in Subsection 58-53-102(3), for a one-, two-, three-, or four-family residence not exceeding two stories in height, exclusive of the basement;

(2) a person designing sprinkler irrigation systems when licensed as a landscape contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

(3) a person licensed to practice professional engineering or professional structural engineering under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(4) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act;

(5) unlicensed employees of a person licensed under this chapter while preparing site plans as defined in Subsection 58-53-102(3), under the supervision of a landscape architect; and

(6) an organization engaged in the practice of landscape architecture, provided that:

(a) the organization employs a principal; and

(b) all individuals employed by the organization, who are engaged in the practice of landscape architecture, are licensed or exempt from licensure under this chapter.

Renumbered and Amended by Chapter 191, 1998 General Session

Part 4
License Denial and Discipline

58-53-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 191, 1998 General Session

Part 5
Unlawful Conduct - Penalties

58-53-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) using the title landscape architect or any other description, words, letters, or abbreviation indicating that the person is a landscape architect if the person has not been licensed under this chapter; and

(2) engaging in or representing oneself as engaging in the practice of landscape architecture as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure under Section 58-1-307 or 58-53-304.

Enacted by Chapter 191, 1998 General Session

58-53-502 Citations -- Penalty for unlawful conduct.

(1)

(a) If upon inspection or investigation, the division concludes that a person has violated Subsections 58-1-501(1)(a) through (d), Section 58-53-501, or Section 58-53-603 or any rule or order issued with respect to Section 58-53-501, and that disciplinary action is appropriate, the director or the director's designee from within the division for each alternative respectively, shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-53-501 or any rule or order issued with respect to Section 58-53-501, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to Subsection (1)(i) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section 58-53-501 or any rule or order issued with respect to Section 58-53-501.

(ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-53-401 may not be assessed through a citation.

(b) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

(c) The division may issue a notice in lieu of a citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon any person whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.

(e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(i) The director or the director's designee shall assess fines according to the following:
(i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to $1,000;
(ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to $2,000; and
(iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to $2,000 for each day of continued offense.
(2) An action initiated for a first or second offense which has not yet resulted in a final order of the division does not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.
(3)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Part 6
Seals

58-53-601 Seal -- Design and implementation.

Every landscape architect shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

Enacted by Chapter 191, 1998 General Session

58-53-602 Site plans to be sealed.

(1) Any site plan prepared in this state shall bear the seal of a landscape architect licensed under this chapter, except as provided in Section 58-53-304, in Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, in Title 58, Chapter 3a, Architects Licensing Act, or by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
(2) Any final site plan prepared by or under the supervision of the licensed landscape architect shall bear the seal of the landscape architect when submitted to a client, or when submitted to a building official for the purpose of obtaining a building permit, even if the practice is exempt from licensure under Section 58-53-304.

Amended by Chapter 14, 2011 General Session

58-53-603 Seal -- Authorized use.

A landscape architect may only affix the landscape architect's seal to a site plan when the site plan:
(1) was personally prepared by the landscape architect;
(2) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing the seal assumes responsibility;
(3) was prepared by a licensed landscape architect in this state or any other state provided that the licensee in this state affixing the seal:
(a) performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
(b) makes any necessary corrections before submitting the final site plan:
(i) to a building official for the purpose of obtaining a building permit; or
(ii) to a client who has contracted with a landscape architect for the production of a site plan, when the landscape architect represents, or could reasonably expect the client to consider, the site plan to be complete and final;
(4) was prepared by a person exempt from licensure as a landscape architect, provided that the licensee in this state affixing the seal:
(a) performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
(b) makes any necessary corrections before submitting the final site plan:
(i) to a building official for the purpose of obtaining a building permit; or
(ii) to a client who has contracted with a landscape architect for the production of a site plan, when the landscape architect represents, or could reasonably expect the client to consider, the site plan to be complete and final; or
(5) meets any additional requirements established by rule by the division in collaboration with the board.

Enacted by Chapter 191, 1998 General Session

Chapter 54
Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act

Part 1
General Provisions

58-54-101 Title.

This chapter is known as the "Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act."

Renumbered and Amended by Chapter 61, 2011 General Session

58-54-102 Definitions.

In addition to the definition in Section 58-1-102, as used in this chapter:
(1) "Board" means the Radiologic Technologist Licensing Board established under this chapter.

(2) "Critical access hospital" means a hospital in a rural or medically underserved area that is recognized by the Centers for Medicare and Medicaid Services as meeting the conditions of participation specified in 42 C.F.R. 485.601-647.
(3) "General supervision" means the supervising radiologist is available to provide immediate communication with the supervised person and is aware of the procedure before it is performed.
(4) "Indirect supervision" means the supervising radiologist:
  (a) has given either written or verbal instructions to the person being supervised;
  (b) is present in the facility in which the person being supervised is providing services; and
  (c) is available to provide immediate face-to-face communications with the person being supervised.
(5) "Practice of radiologic technology" means using radiation from a radioactive substance, radiology equipment, or any other source, in amounts beyond normal background levels, for diagnostic or therapeutic purposes on humans.
(6) "Practice of radiologist assistant" means the performance of non-invasive and minimally invasive radiological procedures:
  (a) delegated to a radiologist assistant by a radiologist; and
  (b) performed under the indirect supervision of a radiologist.
(7) "Radiologic technologist" means a person licensed under this chapter to engage in the practice of radiologic technology under the general supervision of a radiologist or radiology practitioner including the administration of parenteral contrast media, radionuclides, and other medications incidental to radiology procedures provided the administrations are under the direct supervision of a qualified physician and the technologist is currently certified in cardiopulmonary resuscitation (CPR) and appropriate patient care procedures.
(8) "Radiologist" means a physician certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons.
(9) "Radiologist assistant" means a person licensed under this chapter to engage in the practice of a radiologist assistant.
(10) "Radiology equipment" means any medical radiation device that emits ionizing or nonionizing radiation or detects that radiation for the purpose or intended purpose of:
  (a) diagnosing disease or other medical conditions in humans; or
  (b) treating, curing, mitigating, or preventing disease in humans.
(11) "Radiology practical technician" means a person licensed under this chapter to engage in a practice of radiologic technology performing limited diagnostic radiology procedures:
  (a) as defined and permitted by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (b) under the supervision of a radiologist or radiology practitioner.
(12) "Radiology practitioner" means any person or individual licensed in this state as a physician and surgeon, osteopathic physician, podiatric physician, chiropractic physician, dentist, dental hygienist, or a physician's assistant, nurse practitioner, or nurse specialist practicing under the supervision of an approved supervising physician and in accordance with an approved protocol and utilization plan.
(13) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-54-501.
(14) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-54-501 and as may be further defined by administrative rule adopted by the division.

Amended by Chapter 387, 2013 General Session

Part 2
Board

58-54-201 Board created -- Membership -- Duties.

(1) There is created a Radiologic Technologist Licensing Board consisting of nine members as follows:
  (a) three licensed radiologic technologists;
  (b) one licensed radiology practical technician;
  (c) one licensed radiologist assistant;
  (d) two radiologists;
  (e) one physician licensed under this title who is not a radiologist, and who uses radiologic services in the physician's practice; and
  (f) one member from the general public.

(2) The board shall be appointed in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

(4) In accordance with Subsection 58-1-203(1)(f), there is established an advisory peer committee to the board consisting of eight members broadly representative of the state and including:
  (a) one licensed physician and surgeon who is not a radiologist and who uses radiology equipment in a rural office-based practice, appointed from among recommendations of the Medical Licensing Board;
  (b) one licensed physician and surgeon who is not a radiologist and who uses radiology equipment in an urban office-based practice, appointed from among recommendations of the Medical Licensing Board;
  (c) one licensed physician and surgeon who is a radiologist practicing in radiology, appointed from among recommendations of the Medical Licensing Board;
  (d) one licensed osteopathic physician, appointed from among recommendations of the Medical Licensing Board;
  (e) one licensed chiropractic physician, appointed from among recommendations of the Chiropractors Licensing Board;
  (f) one licensed podiatric physician, appointed from among recommendations of the Podiatric Physician Board;
  (g) one representative of the state agency with primary responsibility for regulation of sources of radiation, recommended by that agency; and
  (h) one representative of a general acute hospital, as defined in Section 26B-2-201, that is located in a rural area of the state.

(5)
  (a) Except as required by Subsection (5)(b), members of the advisory peer committee shall be appointed to four-year terms by the director in collaboration with the board from among the recommendations.
  (b) Notwithstanding the requirements of Subsection (5)(a), the director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(6) A member 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 duties, responsibilities, and scope of authority of the advisory peer committee are:
(a) to advise the board with respect to the board's fulfillment of its duties, functions, and responsibilities under Sections 58-1-202 and 58-1-203; and
(b) to advise the division with respect to the examination the division is to adopt by rule, by which a radiology practical technician may qualify for licensure under Section 58-54-302.

Amended by Chapter 507, 2024 General Session

Part 3
Licensing

58-54-301 License required.
(1) An individual may not engage in the practice of radiologic technology or the practice of a radiologist assistant unless licensed or exempted from licensure under this chapter.
(2) The division shall issue to persons qualified under this chapter a license in the classification of radiologic technologist, radiologist assistant, or radiology practical technician.
(3)
(a) A license shall be issued without regard to any area of practice specialty as a radiologic technologist.
(b) A license for a radiology practical technician may be issued certifying the practical technician for a specialty type or limited practice.

Renumbered and Amended by Chapter 61, 2011 General Session

58-54-302 Requirements for licensure.
(1) Each applicant for licensure as a radiologic technologist, radiology assistant, or radiology practical technician shall:
(a) submit an application in a form prescribed by the division in collaboration with the board; and
(b) pay a fee as determined by the department pursuant to Section 63J-1-504.
(2) Each applicant for licensure as a radiologic technologist shall, in addition to the requirements of Subsection (1):
(a) be a graduate of an accredited educational program in radiologic technology or certified by the American Registry of Radiologic Technologists or any equivalent educational program approved by the division in collaboration with the board; and
(b) have passed an examination approved by the division in collaboration with the board.
(3) Each applicant for licensure as a radiology practical technician shall, in addition to the requirements of Subsection (1), have passed a basic examination and one or more specialty examinations that are competency based, using a task analysis of the scope of practice of radiology practical technicians in the state. The basic examination and the specialty

examination shall be approved by the division in collaboration with the board and the licensing board of the profession within which the radiology practical technician will be practicing.

(4)

(a) Except as provided in Subsection (4)(b), each applicant for licensure as a radiologist assistant shall:

(i) meet the requirements of Subsections (1) and (2);

(ii) have a Bachelor of Science degree; and

(iii) be certified as:

(A) a radiologist assistant by the American Registry of Radiologic Technologists; or

(B) a radiology practitioner assistant by the Certification Board of Radiology Practitioner Assistants.

(b) An individual who meets the requirements of Subsections (4)(a)(i) and (iii), but not Subsection (4)(a)(ii), may be licensed as a radiologist assistant under this chapter until May 31, 2013, at which time, the individual must have completed the Bachelor of Science degree in order to retain the license of radiologist assistant.

Amended by Chapter 223, 2023 General Session

58-54-303 Supervision and prescription required -- Imaging ordered by a licensed physical therapist.

(1) A radiologic technologist certified under this chapter may practice radiologic technology only:

(a) under the general supervision of a radiologist or radiology practitioner; and

(b) upon the order of a radiologist or radiology practitioner acting within the scope of the radiologist's or radiology practitioner's license and experience.

(2)

(a) Notwithstanding Subsection (1), a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, acting within the scope of the physical therapist's license and experience may order imaging if:

(i) the licensed physical therapist designates a physician to receive the results of the imaging; and

(ii) the physician designated in Subsection (2)(a)(i) agrees to receive the results of the imaging.

(b) A licensed physical therapist who orders imaging under Subsection (2)(a) shall:

(i) communicate with the patient's physician to ensure coordination of care; and

(ii) refer a patient to an appropriate provider when the findings of the imaging ordered by the licensed physical therapist indicate that the needed services exceed the licensed physical therapist's experience or scope of practice.

(c) A licensed physical therapist is not subject to Subsection (2)(b)(i) if:

(i) a radiologist has read the image and has not identified a significant finding;

(ii) the patient does not have a primary care physician; and

(iii) the patient was not referred to the licensed physical therapist for health care services by another health care provider.

Amended by Chapter 96, 2026 General Session

58-54-304 Scope of practice for radiologist assistant.

(1) The scope of practice for a radiologist assistant includes:

(a) determination of whether a patient has been appropriately prepared for the radiologic procedure;

(b) assessment and evaluation of the physiologic responsiveness of a patient undergoing a radiologic procedure;
(c) assessment and evaluation of possible contraindications to a procedure;
(d) obtaining informed consent from the patient as specified by a Delegation of Services Agreement between the radiologic assistant and the supervising radiologist in accordance with Subsection (2);
(e) evaluation of image quality and communication of initial image observations only to the supervising radiologist;
(f) administration of contrast media or other medications prescribed by the supervising radiologist;
(g) performance of radiologic procedures under the indirect supervision of a radiologist; and
(h) performance of radiologic procedures under the general supervision of a radiologist only if:
(i) the radiologist assistant is practicing in a critical access hospital; and
(ii) the supervising radiologist has the necessary privileges for the procedure to be performed by the radiologist assistant.

(2) The radiologist assistant and supervising radiologist shall enter into a Delegation of Services Agreement identifying radiologic procedures to be performed by the radiologist assistant and establishing a regular review process by the supervising radiologist for all work performed by and records kept by the radiologist assistant. The Delegation of Services Agreement shall:
(a) be kept at the place of practice at which the radiologist assistant is performing delegated services; and
(b) be consistent with radiologist assistant practice guidelines developed by the American College of Radiology, as supplemented by recognized radiology organizations such as the American Society of Radiologic Technologists and the American Registry of Radiologic Technologists.

(3) The radiologist assistant shall not interpret images, provide diagnosis, or prescribe medications or therapies.

Amended by Chapter 387, 2013 General Session

58-54-305 Term of license -- Expiration -- Renewal.

(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) At the time of renewal, licensees shall show satisfactory evidence of each of the following renewal requirements:
(a) 24 hours of approved professional education during a two-year period, as defined by administrative rule, before renewal of a radiologic technologist license;
(b) 10 hours of approved professional education during a two-year period, as defined by administrative rule, before renewal of a radiology practical technician license; and
(c) 50 hours of approved professional education during a two-year period, as defined by administrative rule, before renewal of a radiologist assistant license.
(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Amended by Chapter 369, 2012 General Session

58-54-306 Exemption from licensure.

A person may engage in the practice of radiologic technology without being licensed under this chapter if:

(1)
- (a) the person is filling a new or existing position as an employee performing the duties of a radiology practical technician when a licensed radiology practical technician is not available to begin in the new position or continue filling the existing position;
- (b) the total period in which the position is filled by the unlicensed person is not more than 90 days;
- (c) the unlicensed person at all times performs services as a radiology practical technician under the direct on-premises supervision of a radiology practitioner; and
- (d) the employee position filled by an unlicensed person under this section is an existing position and was filled by a person licensed under this chapter immediately prior to employment of the unlicensed person;

(2) the person:
- (a) performs services in a dental facility under the supervision of a dentist licensed to practice in this state; and
- (b) has completed a radiology course approved by the Dentists and Dental Hygienists Board created under Section 58-69-201; or

(3) the person:
- (a) performs services in a medical facility under the supervision of a podiatric physician licensed to practice in this state; and
- (b) has completed a radiology course approved by the Podiatric Physician Board created under Section 58-5a-201.

Renumbered and Amended by Chapter 61, 2011 General Session

Part 4
License Denial and Discipline

58-54-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 61, 2011 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-54-501 Unlawful and unprofessional conduct.

(1) "Unlawful conduct" includes:
- (a) using any of the following titles if not licensed as a radiology technologist under this chapter:
  - (i) radiology practical technician;
  - (ii) radiologic technologist;

(iii) medical radiographer;
(iv) radiation therapist; or
(v) nuclear medicine technologist;
(b) using the title "radiology practical technician" if not licensed as a radiology practical technician under this chapter; and
(c) using the title "radiologist assistant" if not licensed as a radiologist assistant under this chapter.
(2) "Unprofessional conduct" includes:
(a) any act or omission by a person licensed under this chapter that is contrary to the instructions of the radiologist or radiology practitioner responsible for supervising the licensee and which does or reasonably could pose a threat to the health, safety, or welfare of a patient or any other person;
(b) operating any radiology equipment that is known to be unsafe or not in compliance with all applicable state requirements regulating radiology equipment;
(c) permitting any person to operate any radiology equipment who is not permitted to do so under provisions of law or who is incompetent to operate radiology equipment for any reason;
(d) revealing to any unauthorized person any information considered confidential or privileged regarding any patient;
(e) the use of any controlled substance as defined by the statutes of this state except to the extent the controlled substance is lawfully prescribed to the licensee and used in accordance with the instructions of the prescribing practitioner; and
(f) willfully and intentionally or negligently making any false statement or entry on any patient record or upon any record used to facilitate payment for radiology services.

Enacted by Chapter 61, 2011 General Session

Chapter 55
Utah Construction Trades Licensing Act

Part 1
General Provisions

Superseded 1/1/2027
58-55-101 Short title.
This chapter is known as the "Utah Construction Trades Licensing Act."

Renumbered and Amended by Chapter 181, 1994 General Session

Effective 1/1/2027
58-55-101 Definitions.
As used in this chapter:
(1) "Applicant" means a person that is applying for an initial license, the renewal of a license, or the reinstatement of a license.
(2) "Board" means the Electricians and Plumbers Licensing Board created in Section 58-55-104.
(3) "Combustion system" means an assembly that includes:

(a) piping and components that continuously or intermittently convey gas from the gas provider's meter to the appliance burner;
(b) an electric control system, a combustion air supply system, a venting system, and air ducts; and
(c) a component that controls quantity, flow, and pressure.
(4) "Commission" means the Construction Services Commission created in Section 58-55-103.
(5) "Construction trade" means work that involves:
(a) constructing, remodeling, repairing, or wrecking a building, highway, road, railroad, dam, bridge, structure, excavation, project, or development that is not personal property;
(b) constructing, remodeling, or repairing a manufactured home defined in Section 15A-1-302, or mobile home as defined in Section 15A-1-302; or
(c) installing or repairing a residential or commercial gas appliance or combustion system.
(6)
(a) "Construction trades instructor" means a person that teaches one or more construction trades in a classroom or project setting.
(b) "Construction trades instructor" does not include an individual who holds an economic interest in a project that the individual directs that is intended for sale to or use by the public.
(7)
(a) "Contractor" means a person that engages in a construction trade for compensation.
(b) "Contractor" includes:
(i) a person that builds a structure on the person's own property that is intended for sale or public use;
(ii) a person that advertises that the person is a contractor or that the person will perform a service that requires a license under this chapter; or
(iii) a person that, for a fee:
(A) performs or offers to perform construction consulting;
(B) performs or offers to perform management of construction subcontractors;
(C) provides or offers to provide a list of subcontractors or suppliers; or
(D) provides or offers to provide management or counseling services on a construction project.
(c) "Contractor" does not include:
(i) an individual; or
(ii) a material supplier that consults with a customer about design and installation of the material supplier's product.
(8)
(a) "Control position" means a person that exercises direct or indirect control over an entity.
(b) "Control position" includes:
(i) a corporate officer or a director;
(ii) a shareholder who owns 25% or more of the entity's stock;
(iii) a partner or a member;
(iv) an agent; or
(v) a qualifier.
(9) "Engage in a construction trade" means to:
(a) perform a construction trade; or
(b) to lead, or attempt to lead, a reasonable individual to believe a person will perform a construction trade.
(10) "Gas appliance" means a device that uses gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(11) "Immediate supervision" means the reasonable direction, oversight, inspection, and evaluation of the work of an individual:
(a) as the division provides in rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(b) as applicable, by a qualified electrician or plumber;
(c) as part of a planned training program; and
(d) as required to ensure the work complies with applicable standards.
(12) "Licensee" means a person that is licensed under this chapter.
(13) "Qualifier" means an individual who:
(a) holds a control position of a licensee under this chapter;
(b) satisfies the requirements to obtain a license under this chapter;
(c) meets any additional license requirements established in rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(d) holds collective and individual liability with the licensee for compliance with this chapter and may be held fully responsible for a violation.
(14) "Unincorporated entity" means an entity that operates as:
(a) a general partnership;
(b) a limited liability partnership;
(c) a limited liability limited partnership;
(d) a limited partnership; or
(e) a limited cooperative association.
(15) "Wages" means compensation an employer owes to an employee for labor or services, regardless of how the employer calculates the amount owed to the employee.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 10/1/2026
58-55-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1)
(a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).
(b) "Alarm business" or "alarm company" does not include:
(i) a person engaged in the manufacture or sale of alarm systems unless:
(A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;
(B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or
(C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or
(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.
(2) "Alarm company agent":
(a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and
(b) does not include an individual who:

(i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and
(ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.

(3) "Alarm company officer" means:
(a) a governing person, as defined in Section 48-3a-102, of an alarm company;
(b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
(c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
(d) a partner, as defined in Section 48-1d-102, of an alarm company.

(4) "Alarm company owner" means:
(a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
(i) is a corporation; and
(ii) is not publicly listed or traded; or
(b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.

(5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.

(6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.

(7)
(a) "Alarm system" means equipment and devices assembled for the purpose of:
(i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
(ii) signaling a robbery or attempted robbery on protected premises.
(b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.

(8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

(9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under the immediate supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.

(10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).

(11)
(a) "Approved prelicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
(b) "Approved prelicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.

(12) "Board" means the Alarm System Security and Licensing Board or Electricians and Plumbers Licensing Board created in Section 58-55-201.
(13) "Combustion system" means an assembly consisting of:
(a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;
(b) the electric control and combustion air supply and venting systems, including air ducts; and
(c) components intended to achieve control of quantity, flow, and pressure.
(14) "Commission" means the Construction Services Commission created under Section 58-55-103.
(15) "Construction trade" means any trade or occupation involving:
(a)
(i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and
(ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or
(b) installation or repair of a residential or commercial natural gas appliance or combustion system.
(16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.
(17)
(a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:
(i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;
(ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;
(iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";
(iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or
(v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:
(A) performs or offers to perform construction consulting;
(B) performs or offers to perform management of construction subcontractors;
(C) provides or offers to provide a list of subcontractors or suppliers; or
(D) provides or offers to provide management or counseling services on a construction project.
(b) "Contractor" does not include:
(i) an alarm company or alarm company agent; or
(ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.
(18)

(a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.
(b) "Electrical trade" does not include:
(i) transporting or handling electrical materials;
(ii) preparing clearance for raceways for wiring;
(iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities;
(iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard;
(v) work involving class two or class three power-limited circuits as defined in the National Electrical Code; or
(vi) minor electrical work incidental to a mechanical or service installation when wiring is extended to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20 amperes.
(19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.
(20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.
(21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.
(22) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.
(23) "Engage in a construction trade" means to:
(a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or
(b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.
(24)
(a) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare.
(b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.
(25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.
(26)
(a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except

that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

(b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.

(27) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses electrical energy, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(28)

(a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works, or components of fixed works requiring specialized engineering knowledge and skill in:

(i) airports;
(ii) airport runways;
(iii) bridges;
(iv) chemical plants;
(v) drainage;
(vi) electrical utilities;
(vii) flood control;
(viii) foundations;
(ix) harbors;
(x) highways;
(xi) industrial plants;
(xii) inland waterways;
(xiii) irrigation systems;
(xiv) piers;
(xv) pipelines;
(xvi) power plants;
(xvii) railroads;
(xviii) refineries;
(xix) sewers;
(xx) tunnels;
(xxi) underground electric utility conduits;
(xxii) utility plants;
(xxiii) water power; or
(xxiv) water supply.

(b) A general engineering contractor may not perform or superintend:

(i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels;
(ii) plumbing work;
(iii) electrical work beyond underground electric utility conduit or electrical utilities;
(iv) mechanical work; or

(v) work where the general engineering contractor does not have the required specialized engineering knowledge and skill.

(29) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, a safe and adequate supply of gases for lighting, heating, and industrial purposes, or other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(30) "HVAC" means a heating, ventilation, and air conditioning system and the specific components that are a part of the system, including the gas line.

(31) "HVAC contractor" means a person licensed under this chapter specialized in the installation, maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(32) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:

(a) as the division specifies in rule;

(b) by, as applicable, a qualified electrician or plumber;

(c) as part of a planned program of training; and

(d) to ensure that the end result complies with applicable standards.

(33) "Individual" means a natural person.

(34) "Journeyman lineman" means a person that builds and maintains an electrical power system, performs work on transmission lines or distribution lines from power plants to customers, and has completed an approved 7,000 hour certified apprenticeship program.

(35) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

(36) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.

(37) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.

(38) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.

(39) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.

(40)

(a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

(i) delivery of the water supply;

(ii) discharge of liquid and water carried waste;

(iii) building drainage system within the walls of the building; and

(iv) delivery of gases for lighting, heating, and industrial purposes.

(b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, together with their devices, appurtenances, and connections where installed within the outside walls of the building.

(41) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed supervisor as established by the provisions of this chapter and by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(42) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

(43) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.

(44) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(45) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.

(46) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

(47) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

(48) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.

(49) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated

water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, a safe and adequate supply of gases for lighting, heating, and residential purposes, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(50) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

(51) "Responsible management personnel" means:

(a) a qualifying agent;

(b) an operations manager; or

(c) a site manager.

(52) "Sensitive alarm system information" means:

(a) a pass code or other code used in the operation of an alarm system;

(b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;

(c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and

(d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.

(53)

(a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.

(b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.

(54) "Unincorporated entity" means an entity that is not:

(a) an individual;

(b) a corporation; or

(c) publicly traded.

(55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.

(56) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

(57) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Amended by Chapter 176, 2025 General Session
Amended by Chapter 268, 2025 General Session

Effective 10/1/2026
Repealed 1/1/2027
58-55-102 Definitions.

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

(1)

(a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).

(b) "Alarm business" or "alarm company" does not include:

(i) a person engaged in the manufacture or sale of alarm systems unless:

(A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;

(B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or

(C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent":

(a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and

(b) does not include an individual who:

(i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and

(ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.

(3) "Alarm company officer" means:

(a) a governing person, as defined in Section 16-20-101, of an alarm company;

(b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;

(c) a general partner, as defined in Section 16-19-101, of an alarm company; or

(d) a partner, as defined in Section 16-18-101, of an alarm company.

(4) "Alarm company owner" means:

(a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:

(i) is a corporation; and

(ii) is not publicly listed or traded; or

(b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.

(5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.

(6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.

(7)

(a) "Alarm system" means equipment and devices assembled for the purpose of:

(i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or

(ii) signaling a robbery or attempted robbery on protected premises.

(b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.

(8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

(9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under the immediate supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.

(10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).

(11)

(a) "Approved prelicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).

(b) "Approved prelicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.

(12) "Board" means the Alarm System Security and Licensing Board or Electricians and Plumbers Licensing Board created in Section 58-55-201.

(13) "Combustion system" means an assembly consisting of:

(a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;

(b) the electric control and combustion air supply and venting systems, including air ducts; and

(c) components intended to achieve control of quantity, flow, and pressure.

(14) "Commission" means the Construction Services Commission created under Section 58-55-103.

(15) "Construction trade" means any trade or occupation involving:

(a)

(i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and

(ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or

(b) installation or repair of a residential or commercial natural gas appliance or combustion system.

(16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.

(17)

(a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:

(i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;
(ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;
(iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";
(iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or
(v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:
(A) performs or offers to perform construction consulting;
(B) performs or offers to perform management of construction subcontractors;
(C) provides or offers to provide a list of subcontractors or suppliers; or
(D) provides or offers to provide management or counseling services on a construction project.

(b) "Contractor" does not include:
(i) an alarm company or alarm company agent; or
(ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.

(18)
(a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.
(b) "Electrical trade" does not include:
(i) transporting or handling electrical materials;
(ii) preparing clearance for raceways for wiring;
(iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities;
(iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard;
(v) work involving class two or class three power-limited circuits as defined in the National Electrical Code; or
(vi) minor electrical work incidental to a mechanical or service installation when wiring is extended to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20 amperes.

(19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.

(20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.

(21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

(22) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.

(23) "Engage in a construction trade" means to:

(a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or
(b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.

(24)
(a) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare.
(b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.

(25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(26)
(a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
(b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.

(27) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses electrical energy, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(28)
(a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works, or components of fixed works requiring specialized engineering knowledge and skill in:
(i) airports;
(ii) airport runways;
(iii) bridges;
(iv) chemical plants;
(v) drainage;
(vi) electrical utilities;
(vii) flood control;
(viii) foundations;
(ix) harbors;

(x) highways;
(xi) industrial plants;
(xii) inland waterways;
(xiii) irrigation systems;
(xiv) piers;
(xv) pipelines;
(xvi) power plants;
(xvii) railroads;
(xviii) refineries;
(xix) sewers;
(xx) tunnels;
(xxi) underground electric utility conduits;
(xxii) utility plants;
(xxiii) water power; or
(xxiv) water supply.

(b) A general engineering contractor may not perform or superintend:
(i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels;
(ii) plumbing work;
(iii) electrical work beyond underground electric utility conduit or electrical utilities;
(iv) mechanical work; or
(v) work where the general engineering contractor does not have the required specialized engineering knowledge and skill.

(29) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, a safe and adequate supply of gases for lighting, heating, and industrial purposes, or other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(30) "HVAC" means a heating, ventilation, and air conditioning system and the specific components that are a part of the system, including the gas line.

(31) "HVAC contractor" means a person licensed under this chapter specialized in the installation, maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(32) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:
(a) as the division specifies in rule;
(b) by, as applicable, a qualified electrician or plumber;
(c) as part of a planned program of training; and
(d) to ensure that the end result complies with applicable standards.

(33) "Individual" means a natural person.

(34) "Journeyman lineman" means a person that builds and maintains an electrical power system, performs work on transmission lines or distribution lines from power plants to customers, and has completed an approved 7,000 hour certified apprenticeship program.

(35) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.
(36) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.
(37) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.
(38) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.
(39) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
(40)
(a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:
(i) delivery of the water supply;
(ii) discharge of liquid and water carried waste;
(iii) building drainage system within the walls of the building; and
(iv) delivery of gases for lighting, heating, and industrial purposes.
(b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, together with their devices, appurtenances, and connections where installed within the outside walls of the building.
(41) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed supervisor as established by the provisions of this chapter and by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(42) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
(43) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.
(44) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices,

panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(45) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.

(46) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

(47) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

(48) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.

(49) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, a safe and adequate supply of gases for lighting, heating, and residential purposes, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(50) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

(51) "Responsible management personnel" means:

(a) a qualifying agent;

(b) an operations manager; or

(c) a site manager.

(52) "Sensitive alarm system information" means:

(a) a pass code or other code used in the operation of an alarm system;

(b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;

(c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and

(d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.

(53)

(a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring

specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.

(b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.

(54) "Unincorporated entity" means an entity that is not:

(a) an individual;

(b) a corporation; or

(c) publicly traded.

(55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.

(56) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

(57) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Amended by Chapter 92, 2026 General Session

Superseded 1/1/2027

58-55-103 Construction Services Commission created -- Functions -- Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.

(1)

(a) There is created within the division the Construction Services Commission.

(b) The commission shall:

(i) with the concurrence of the director, make reasonable rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which are consistent with this chapter including:

(A) licensing of various licensees;

(B) examination requirements and administration of the examinations, to include approving and establishing a passing score for applicant examinations;

(C) standards of supervision for students or persons in training to become qualified to obtain a license in the trade they represent; and

(D) standards of conduct for various licensees;

(ii) approve or disapprove fees adopted by the division under Section 63J-1-504;

(iii) except where the boards conduct them, conduct all administrative hearings not delegated to an administrative law judge relating to the licensing of any applicant;

(iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the concurrence of the director, impose sanctions against licensees and certificate holders with the same authority as the division under Section 58-1-401;

(v) advise the director on the administration and enforcement of any matters affecting the division and the construction industry;

(vi) advise the director on matters affecting the division budget;

(vii) advise and assist trade associations in conducting construction trade seminars and industry education and promotion; and

(viii) perform other duties as provided by this chapter.

(2)

(a) The terms of office of the commission members who are serving on the Contractors Licensing Board shall continue as they serve on the commission.
(b) The commission shall be comprised of the following members appointed by the executive director with the approval of the governor from the following groups:
(i) one member shall be a licensed general engineering contractor;
(ii) one member shall be a licensed general building contractor;
(iii) two members shall be licensed residential and small commercial contractors;
(iv) one member shall be a licensed plumber and a member of the Electricians and Plumbers Licensing Board;
(v) one member shall be a licensed electrician and a member of the Electricians and Plumbers Licensing Board;
(vi) one member shall be the chair person of the Alarm System Security and Licensing Board; and
(vii) two members shall be from the general public.

(3)
(a) Except as required by Subsection (3)(b), as terms of current commission members expire, the executive director with the approval of the governor shall appoint each new member or reappointed member to a four-year term ending June 30.
(b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.
(c) A commission member may not serve more than two consecutive terms.

(4) The commission shall elect annually one of its members as chair, for a term of one year.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(6) A member 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)
(a) The commission shall meet at least monthly unless the director determines otherwise.
(b) The director may call additional meetings at the director's discretion, upon the request of the chair, or upon the written request of four or more commission members.

(8)
(a) Five members constitute a quorum for the transaction of business.
(b) If a quorum is present when a vote is taken, the affirmative vote of commission members present is the act of the commission.

(9) The commission shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all of its adjudicative proceedings.

(10)
(a) For purposes of this Subsection (10), "concurrence" means the entities given a concurring role must jointly agree for the action to be taken.
(b) If a provision of this chapter requires concurrence between the director or division and the commission and no concurrence can be reached, the director or division has final authority.
(c) When this chapter requires concurrence between the director or division and the commission:

(i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and
(ii) the commission shall review the report submitted by the director or division under this Subsection (10)(c) and concur with the report, or:
(A) provide a reason for not concurring with the report; and
(B) provide recommendations to the director or division.

Amended by Chapter 507, 2024 General Session

Effective 1/1/2027

58-55-103 Construction Services Commission created -- Functions -- Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.

(1)
(a) There is created within the division the Construction Services Commission.
(b) The duties, functions, and responsibilities of the commission include the following:
(i) with the director's concurrence, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter, including rules that provide the standards for a licensee's:
(A) license;
(B) examination;
(C) supervision of a student or a trainee preparing to obtain a license; and
(D) professional conduct;
(ii) approve a fee the division adopts under Section 63J-1-504;
(iii) conduct an administrative hearing relating to licensing when the administrative hearing is not conducted by the board or delegated to an administrative law judge;
(iv) except as provided in Sections 38-11-207 and 58-55-604, with the director's concurrence, impose sanctions against a licensee with the same authority as the division under Section 58-1-401;
(v) advise the director on the administration and enforcement of matters affecting the division and the construction industry;
(vi) advise the director on matters affecting the division's budget;
(vii) advise trade associations in conducting construction trade seminars and industry education and promotion; and
(viii) perform other duties as provided by this chapter.
(2)
(a) The executive director, with the governor's approval, shall appoint commission members as follows:
(i) one individual who is a qualifier for a licensed general engineering contractor as defined in Section 58-55-202;
(ii) one individual who is a qualifier for a licensed general building contractor as defined in Section 58-55-202;
(iii) two individuals who are qualifiers for separate licensed residential and small commercial contractors as defined in Section 58-55-202;
(iv) one individual who is a licensed plumber and a member of the Electricians and Plumbers Licensing Board;
(v) one individual who is a licensed electrician and a member of the Electricians and Plumbers Licensing Board; and

(vi) one individual who is a member of the general public and who has never been licensed in a construction trade.

(3) A commission member may not serve more than two consecutive terms.

(4) The executive director, with the governor's approval, shall:

(a) appoint or reappoint each member to a four-year term ending June 30, except as provided in Subsection (6); and

(b) adjust terms at appointment or reappointment to stagger terms so that approximately half of the members' terms expire every two years.

(5) The commission shall elect annually one of the commission members as the chair.

(6) The executive director shall appoint a replacement for the remainder of the term when a vacancy occurs.

(7) A member may not receive compensation or a benefit 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 the Division of Finance makes in accordance with Sections 63A-3-106 and 63A-3-107.

(8)

(a) The commission shall meet at least monthly unless the director determines otherwise.

(b) The director may call additional meetings:

(i) at the director's discretion;

(ii) upon the request of the chair; or

(iii) upon the written request of four or more commission members.

(9)

(a) Five members are a quorum for the transaction of business.

(b) If a quorum is present when the commission takes a vote, the affirmative vote of a majority of the commission members present is the act of the commission.

(10) The commission shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative proceedings.

(11)

(a) When this chapter requires concurrence between the director or division and the commission:

(i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and

(ii) the commission shall review the report the director or division submits under this Subsection (11)(a) and concur with the report, or:

(A) provide a reason for not concurring with the report; and

(B) provide recommendations to the director or division.

(b) The director is the final authority if a provision of this chapter requires concurrence between the director or division and the commission and there is no concurrence.

Amended by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-104 Electrician Education Fund.

(1) There is created an expendable special revenue fund known as the Electrician Education Fund.

(2) The fund consists of money from a surcharge fee, established by the division in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for an

apprentice electrician, journeyman electrician, master electrician, residential journeyman electrician, and residential master electrician.
(3) The surcharge fee described in Subsection (2) may not be more than $5.
(4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
(5) The director may, with the concurrence of the commission, make distributions from the fund for the following purposes:
(a) education and training of licensees under this chapter who are practicing in the electrical trade; and
(b) education and training of other licensees under this chapter or the public in matters concerning electrical laws and practices.
(6) If the balance in the fund is more than $100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
(7) The division shall report annually to the General Government Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.

Amended by Chapter 271, 2025 General Session

Effective 1/1/2027
58-55-104 Board created -- Duties.
(1) There is created the Electricians and Plumbers Licensing Board consisting of the following members:
(a) three individuals:
(i) licensed as master plumbers as defined in Section 58-55-401, or a journeyman plumber as defined in Section 58-55-401; and
(ii) of whom at least one represents a union organization and at least one has no union affiliation;
(b) two individuals:
(i) who are each a qualifier for separate licensed plumbing contractors as defined in Section 58-55-202; and
(ii) of whom one represents a union organization and one has no union affiliation;
(c) three individuals:
(i) licensed as master electricians as defined in Section 58-55-301, or as journeyman electricians as defined in Section 58-55-301; and
(ii) of whom at least one represents a union organization and at least one has no union affiliation;
(d) two individuals:
(i) who each are a qualifier for separate licensed electrical contractors as defined in Section 58-55-202; and
(ii) of whom one represents a union organization and one has no union affiliation; and
(e) one individual who is a member of the general public and who has never been licensed in a construction trade.
(2) The duties, functions, and responsibilities of the board include:
(a) recommending to the commission appropriate rules;
(b) recommending to the commission policy and budgetary matters;
(c) assisting the commission in fulfilling the commission's duties; and
(d) acting as presiding officer in conducting a hearing associated with an adjudicative proceeding and issuing recommended orders.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-105 Plumber Education Fund.

(1) There is created an expendable special revenue fund known as the Plumber Education Fund.
(2) The fund consists of money from a surcharge fee, established by the division in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman plumbers, and residential master plumbers.
(3) The surcharge fee described in Subsection (2) may not be more than $5.
(4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
(5) The director may, with the concurrence of the commission, make distributions from the fund for the following purposes:
  (a) education and training of licensees under this chapter who are licensed in the professions described in Subsection (2); and
  (b) education and training of other licensees under this chapter or the public in matters concerning plumbing laws and practices.
(6) If the balance in the fund is more than $100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
(7) The division shall report annually to the General Government Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.

Amended by Chapter 271, 2025 General Session

Effective 1/1/2027

58-55-105 License required.

(1)
  (a) A person engaged in a construction trade or acting as a contractor shall obtain a license under this chapter before performing work unless exempt from licensure under Section 58-1-307 or 58-55-110.
  (b) The only licenses required for a licensee to engage in a trade regulated by this chapter are:
    (i) a license issued under this chapter; and
    (ii) a business license from the local jurisdiction where the licensee maintains the licensee's principal place of business.
  (c) The state or a political subdivision may not impose additional requirements on a licensee to do business except:
    (i) contract prequalification procedures a state agency requires; or
    (ii) the payment of fees a local jurisdiction makes as a condition for doing business.
(2)
  (a) To obtain a license, an applicant shall file an application that includes payment of a fee the division determines in accordance with Section 63J-1-504.
  (b) An applicant may apply for a license for one or more licenses issued in accordance with this chapter.
  (c) The division shall issue each license for which the applicant applies and qualifies.
  (d) The applicant shall submit a separate application and fee for each license.

(3) With the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may makes rules to further define the scope of work for:
(a) a general electrical contractor as defined in Section 58-55-202;
(b) a general plumbing contractor as defined in Section 58-55-202;
(c) an HVAC contractor as defined in Section 58-55-202;
(d) a residential electrical contractor as defined in Section 58-55-202; and
(e) a residential plumbing contractor as defined in Section 58-55-202.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027
58-55-106 Surcharge fee.
(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a $1 surcharge fee.
(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Amended by Chapter 339, 2020 General Session

Effective 1/1/2027
58-55-106 Surcharge.
(1)
(a) The division shall collect a $1 surcharge from each applicant for an initial license, a renewal of a license, or a reinstatement of a license.
(b) The $1 surcharge is in addition to other fees this chapter or the division authorizes in accordance with Section 63J-1-504.
(2)
(a) The division shall deposit the surcharge into the General Fund as a dedicated credit.
(b) The division shall use the dedicated credits to provide a licensee with access to an internet-based library of national, state, and local building codes and standards.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-107 Licensee names -- License number use -- Qualifier.
(1) The division may not issue a license in a name that the division determines may result in confusion for the name of another licensee.
(2) Except as provided in Subsection (1), the division shall issue a license in the name of a contractor if the contractor applicant meets this chapter's requirements.
(3) The division shall require the contractor's license number on permit applications, contracts, agreements, or bids that require a license.
(4)
(a) The division shall require a contractor to have a qualifier.
(b) A qualifier for a contractor shall demonstrate to the division that the qualifier is:

(i) licensed in accordance with this chapter; and
(ii) an owner, officer, or manager of the contractor who exercises material authority in the conduct of the contracting business by:
(A) making substantive technical and administrative decisions relating to the work performed for which this chapter requires a license;
(B) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the contractor; and
(C) avoiding involvement in other employment or activity that conflict with the qualifier's duties and responsibilities to ensure the licensee does not jeopardize the public health, safety, and welfare.

(5)
(a) The division may take action against:
(i) a contractor if the qualifier or contractor violates the requirements of this section; and
(ii) a qualifier if the qualifier or contractor violates the requirements of this section.
(b) The division may consider a qualifier or contractor's failure to comply with the requirements of this section to be unprofessional conduct.

(6)
(a) Except as provided in Subsection (6)(b), a contractor that is not a plumbing or electrical contractor may comply with the qualifier requirements when renewing a license in accordance with Section 58-55-108 by recording an active employee name and license number from the applicable construction trade on the renewal application if the contractor has not violated the requirements of this chapter for a period of 10 consecutive years.
(b) If the business entity transfers more than 50% of the business entity's ownership at any time during the ten-year period before the renewal, the contractor may not meet the qualifier requirement in accordance with Subsection (6)(a).

(7)
(a) Except as provided in Subsection (7)(b), a plumbing or electrical contractor may comply with the qualifier requirements when renewing a license in accordance with Section 58-55-108 by recording an active employee name and license number from the applicable construction trade on the renewal application if the plumbing or electrical contractor has not violated the requirements of this chapter for a period of five consecutive years.
(b) If the plumbing or electrical business entity transfers more than 50% of the plumbing or electrical business entity's ownership at any time during the five-year period before the renewal, the plumbing or electrical business entity may not meet the qualifier requirement in accordance with Subsection (7)(a).

(8)
(a) Notwithstanding Subsections (6) and (7), if a qualifier for a contractor ceases association with the contractor, the contractor shall notify the division in writing within 10 days after the day on which the association ceases.
(b) If notice is given, the contractor's license shall remain in force for 60 days after the day on which the association ceases.
(c) The division shall suspend the contractor's license if the contractor does not replace the qualifier who ceases association with another qualifier within the 60-day period.

(9) The division may suspend the contractor's license if the contractor does not notify the division of cessation of association of a qualifier.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-108 Term of license -- Expiration -- Renewal and reinstatement.

(1)

(a) The division shall issue a license for a term of two years as the division establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The division may extend or shorten a license term by up to one year to stagger renewals as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c)

(i) Notwithstanding Subsections (1)(a) and (b) and Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend a license 60 days after the day on which the licensee:

(A) becomes an unincorporated entity subject to the ownership status report filing requirements in accordance with Section 58-55-112; or

(B) transfers the license to an unincorporated entity subject to the ownership status report filing requirements in accordance with Section 58-55-112.

(ii) Subsection (1)(c)(i) may not apply if before the 60-day period ends:

(A) the licensee submits an application to renew the license; and

(B) the division renews the license under the submitted application.

(2)

(a) The division shall renew or reinstate an individual license after the applicant:

(i) submits an application in the individual's name;

(ii) completes the number of hours of continuing education under Section 58-55-304, if the applicant is:

(A) an apprentice electrician as defined in Section 58-55-301;

(B) a journeyman electrician as defined in Section 58-55-301;

(C) a master electrician as defined in Section 58-55-301;

(D) a residential journeyman electrician as defined in Section 58-55-301; or

(E) a residential master electrician as defined in Section 58-55-301;

(iii) completes the number of hours of continuing education under Section 58-55-405, if the applicant is:

(A) an apprentice plumber as defined in Section 58-55-401;

(B) a journeyman plumber as defined in Section 58-55-401;

(C) a master plumber as defined in Section 58-55-401;

(D) a residential journeyman plumber as defined in Section 58-55-401; or

(E) a residential master plumber as defined in Section 58-55-401; and

(iv) meets all other requirements of this chapter.

(b) The division shall renew or reinstate a contractor's license after the applicant:

(i) submits the application in the name of and on behalf of a contractor;

(ii) demonstrates the contractor's financial responsibility in accordance with Section 58-55-205;

(iii) lists the individual acting as the qualifier for the contractor;

(iv) provides evidence that the qualifier:

(A) has passed the required examination; and

(B) has completed continuing education in accordance with Section 58-55-204; and

(v) meets all other requirements of this chapter.

(3) A license expires on the expiration date shown on the license.

(4) In addition to requirements imposed by law, an applicant applying for reinstatement of a license the division suspends or revokes shall:
(a) pay fines the division imposes;
(b) resolve outstanding citations or disciplinary actions with the division;
(c) if the license the division suspends or revokes is a contractor's license, demonstrate financial responsibility in accordance with Section 58-55-205 using titled assets; and
(d) if applicable, pay the reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-109 License denial.
(1) The division shall deny an applicant a license under this chapter if:
(a) the division suspended or revoked a license the applicant held under this chapter less than two years before the date of the application;
(b)
(i) the applicant is a partnership, corporation, or limited liability company; and
(ii) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license the division suspended or revoked less than two years before the date of the application;
(c)
(i) the applicant is a sole proprietorship; and
(ii) a person that serves in a control position in an entity that held a license the division suspended or revoked less than two years before the date of the application; or
(d)
(i) the applicant lists an individual who was an owner, director, or officer of an unincorporated entity at the time the division revoked the unincorporated entity's license; and
(ii) the applicant applies for licensure within five years after the day on which the unincorporated entity's license is revoked.
(2) The commission shall review the applicant's application before approval of a license if:
(a) the division suspended or revoked a license that the applicant held two years or more before the date of the application;
(b)
(i) the applicant is a partnership, corporation, or limited liability company; and
(ii) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license that the division suspended or revoked two years or more before the date of the application; or
(c)
(i) the applicant is an individual or sole proprietorship; and
(ii) an owner, an agent, or a qualifier served in a control position for an entity that held a license that the division suspended or revoked two years or more before the date of the application.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-110 Exemptions from licensure.
(1) As used in this section:

(a)
(i) "Sign contractor" means a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules.
(ii) "Sign contractor" does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as defined in division rules subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.
(b)
(i) "Token compensation" means compensation that is minimal in value when compared with the fair market value of the services provided by the person.
(ii) "Token compensation" includes:
(A) providing meals or refreshment while the services are provided; and
(B) paying reasonable transportation costs incurred by the person in travel to and from the construction site.
(c) "Well drilling" means the same as that term is defined in Section 73-3-25.
(2) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in a construction trade without a license:
(a) an agricultural or natural resource worker if:
(i) the construction trade is incidental to the construction or repair of an irrigation or drainage ditch of a regularly constituted irrigation district, reclamation district, or drainage district; or
(ii) the construction trade is incidental to a repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, hauling to and from construction sites, and lumbering;
(b) an appliance delivery worker if:
(i) the construction trade is incidental to replacing an existing gas range, a gas dryer, an outdoor gas barbecue, or an outdoor gas patio heater with a new gas appliance; and
(ii) there is an existing gas shutoff valve at the appliance;
(c) a construction student if:
(i) the construction trade is a part of an education and training program the commission with the concurrence of the director approves;
(ii) the work that is subject to inspection by a building inspector passes a building inspector's inspection; and
(iii) a contractor obtains the necessary building permits;
(d) a government representative or employee if:
(i) the construction trade is within the terms of the government representative or employee's trust, office, or employment; and
(ii) the government representative or employee is an authorized representative or employee of the United States government, or of the state, or of a political subdivision;
(e) an electrical utility worker if:
(i) the construction trade is incidental to work for a railroad corporation, a telephone corporation or an affiliate of the telephone corporation, an elevator contractor, or a street railway system; or
(ii) the construction trade is incidental to work for a public service corporation, a rural electrification association, or a municipal utility that generates, distributes, or sells electrical energy for light, heat, or power;
(f) an elevator mechanic assistant if:
(i) the construction trade is incidental to assisting a licensed elevator mechanic; and
(ii) the construction trade is at the direction of the licensed elevator mechanic;

(g) an elevator mechanic licensed under this chapter if the construction trade is not related to the operational integrity of the elevator;
(h) a federal highway bidder if:
(i) the bid is for a Federal-aid Highway Program project; and
(ii) the contractor obtains proper licensure before starting the construction;
(i) a hot tub or sign installer if:
(i) the construction trade is limited to an electrical trade; and
(ii)
(A) the construction trade is incidental to installing or repairing an above-ground, prebuilt hot tub or spa; or
(B) the construction trade is incidental to installing or repairing signage;
(j) a plumbing repair worker if:
(i) the construction trade is limited to minor plumbing;
(ii) the construction trade is incidental to a repair in a residential small commercial building or an agricultural structure; and
(iii) the construction trade:
(A) does not involve altering a piping or a gas system or a gas appliance; or
(B) does not involve the initial installation of a fixture or an appliance;
(k) a product retailer if:
(i) the construction trade is incidental to the sale of personal property that by design, may be attached or installed to real property; and
(ii) the product retailer contracts with a person licensed under this chapter to attach or install the personal property on the real property;
(l) a property owner, lessee, or an employee of the property owner or lessee if:
(i) the construction trade is incidental to the maintenance of a property; and
(ii) the construction trade is for the purpose of maintaining the property;
(m) a public utility if:
(i) the construction trade is incidental to the public utility's work; and
(ii) the public utility is operating under the rules of the Public Service Commission;
(n) subject to Subsection (3), a person working on a project that has a total cost of less than $7,000 including labor, material, and changes to the agreed upon work if the construction trade:
(i) does not involve an electrical or plumbing system;
(ii) does not involve a component of an electrical or plumbing system, including a faucet, a toilet, a fixture, a device, an outlet, or an electrical switch;
(iii) does not involve the installation, repair, or replacement of a residential or commercial gas appliance or a combustion system;
(iv) does not involve the installation, repair, or replacement of a water-based fire protection system;
(v) does not involve the installation, repair, or replacement of a heating, ventilation, or air conditioning system; and
(vi) does not involve the installation, repair, or replacement of a radon mitigation system or a soil depressurization system;
(o) a solar panel worker if the construction trade is electrical work incidental to installing or repairing a solar panel;
(p) a sole property owner if:
(i)

(A) the sole property owner builds for the sole owner's noncommercial and nonpublic use no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on the sole owner's property; and

(B) the construction trade is performed by the sole property owner or a volunteer in accordance with Subsection (2)(r); or

(ii) the construction trade is incidental to a residential structure on the property, including a shed, carport, or detached garage;

(q) a specialty contractor as defined in Section 58-55-202, if:

(i) the construction trade is incidental to the specialty contractor's trade; and

(ii) the director does not determine by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the specialty contractor's performance of the trade significantly impacts the public's health, safety, or welfare;

(r) a volunteer working on a noncommercial and nonpublic use residential building if:

(i) the construction trade is without compensation other than token compensation that is not considered salary or wages; and

(ii) the volunteer works under the direction of the property owner; or

(s) a water treatment installation worker if:

(i) the construction trade is incidental to installing or repairing a water conditioner or other water treatment apparatus;

(ii) the water conditioner or other water treatment apparatus meets the state construction code and local plumbing standards; and

(iii) the appropriate specialty contractor as defined in Section 58-55-202, directs the installation or repair.

(3)

(a) If the total value of the project under Subsection (2)(n) is greater than $3,000, the person shall:

(i) register with the Division of Corporations and Commercial Code; and

(ii) submit to the division documentation that the person has:

(A) public liability insurance in a coverage amount and form the division makes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(B) if applicable, workers' compensation insurance that would cover an employee of the person if the employee works on the project.

(b) The division shall establish by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, when a person needs to resubmit documentation described in Subsection (3)(a).

Renumbered and Amended by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-111 Confidentiality of records and reports.

(1) A credit report, a financial statement, and other information an applicant submits or requests to have submitted to the division to demonstrate financial responsibility in accordance with Section 58-55-205:

(a) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(b) notwithstanding Subsection (1)(a), may be considered by the commission in a public meeting, unless the owner of the information requests that the meeting be closed to the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, a record described in Subsection (1) is not open for public inspection and is not subject to discovery in civil or administrative proceedings.

Renumbered and Amended by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-112 Unincorporated entities -- Reporting requirements.

(1)

(a)

(i) A contractor that is an unincorporated entity shall file an ownership status report with the division every 30 days beginning 30 days after the day on which the division issues the license if the contractor has more than five owners who are individuals that:

(A) own an interest in the contractor;

(B) directly or indirectly own less than an 8% interest in the unincorporated entity as defined by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (1)(a)(i)(A).

(ii) A contractor that is an unincorporated entity shall file an ownership status report with an application for renewal of licensure if the contractor has five or fewer owners described in this Subsection (1)(a)(i).

(b) An ownership status report shall:

(i) specify each addition or deletion of an owner from the day after the day on which:

(A) the division licenses the unincorporated entity, for the first ownership status report; and

(B) the contractor files a previous ownership status report for a later ownership status report;

(ii) be in a format the division approves and include the information required by Subsection (2)(a)(ii) for each owner, regardless of the owner's percentage ownership in the unincorporated entity;

(iii) list the name of:

(A) each officer or manager of the unincorporated entity; and

(B) each additional individual involved in the operation, supervision, or management of the unincorporated entity; and

(iv) be accompanied by a fee the division sets in accordance with Section 63J-1-504 if the ownership status report indicates there is a change.

(c) At any time, the division may audit an ownership status report under this Subsection (1) to determine if the unincorporated entity:

(i) demonstrates financial responsibility in accordance with Section 58-55-205; and

(ii) complies with Subsection 58-55-601(19), (20), or (21) or Subsection 58-55-603(6).

(2) An unincorporated entity that provides labor to an entity licensed under this chapter by supplying an individual who owns an interest in the unincorporated entity to engage in a construction trade shall file with the division:

(a) before the individual engages in a construction trade, a current ownership list that includes:

(i) each individual who holds an ownership interest in the unincorporated entity; and

(ii) for each individual:

(A) the individual's name, address, birth date, and social security number; and
(B) the individual's engagement in a construction trade; and
(b) every 30 days after submitting the ownership list under Subsection (1)(a), an ownership status report that includes the same information required under Subsection (1)(a) as if the unincorporated entity were a licensed contractor.
(3) An unincorporated entity shall pay a fee the division sets in accordance with Section 63J-1-504 when filing an ownership status report described in Subsection (1)(a).
(4) Nothing in this chapter creates or supports an independent contractor relationship between an unincorporated entity described in Subsection (1) or (2) and the unincorporated entity's owners.
(5)
(a) A social security number an individual provides under this section is a private record under Subsection 63G-2-302(1)(i).
(b) The division may classify an applicant's evidence of identity under this section as a private record in accordance with Section 63G-2-302.

Enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

Part 2
Board

Effective 1/1/2027

Part 2
Contractors

58-55-201 Boards created -- Duties.
(1) There is created the Electrician and Plumbers Licensing Board consisting of the following members:
(a) three members licensed from among the license classifications of master or journeyman plumber, of whom at least one represents a union organization and at least one has no union affiliation;
(b) two members who are licensed plumbing contractors, of whom at least one represents a union organization and at least one has no union affiliation;
(c) three members licensed from among the license classifications of master or journeyman electrician, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and
(d) two members who are licensed electrical contractors, of whom at least one represents a union organization and at least one has no union affiliation;
(e) one member who is from the public at large with no history of involvement in the construction trades.
(2)
(a) There is created the Alarm System Security and Licensing Board consisting of the following members:
(i) three individuals who are officers or owners of a licensed alarm business;
(ii) one individual from among nominees of the Utah Peace Officers Association; and

(iii) one individual representing the general public.

(b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:

(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(ii) advise the division in its investigation of these complaints.

(c) A board member who has, under this Subsection (2)(c), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

(3) The duties, functions, and responsibilities of each board described in Subsections (1) and (2) include the following:

(a) recommending to the commission appropriate rules;

(b) recommending to the commission policy and budgetary matters;

(c) approving and establishing a passing score for applicant examinations;

(d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;

(e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession the board represents; and

(f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

Amended by Chapter 507, 2024 General Session

Effective 1/1/2027

58-55-202 Definitions.

As used in this part:

(1) "Approved pre-licensure course provider" means a provider:

(a) that is:

(i) the Associated General Contractors of Utah;

(ii) the Utah Chapter of the Associated Builders and Contractors; or

(iii) the Utah Home Builders Association; and

(b) that offers the 25-hour course described in Subsection 58-55-204(1)(c):

(i) at least six times each year; and

(ii) in one or more counties within the state other than Salt Lake County, Utah County, Davis County, or Weber County.

(2) "Elevator contractor" means a person that performs or superintends erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.

(3) "First-tier subcontractor" means a subcontractor that contracts directly with the general contractor.

(4)

(a) "General building contractor" means a person that performs or superintends:

(i) the construction of structures for the support, shelter, or enclosure of individuals, animals, or personal property; or

(ii) any of the components of the construction described in Subsection (4)(a)(i).

(b) "General building contractor" does not include construction trade relating to:

(i) plumbing;

(ii) electrical work;

(iii) mechanical work;

(iv) work related to the operational integrity of an elevator;
(v) work related to the installation of manufactured housing; or
(vi) work that the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial risk to the public health, safety, and welfare unless the general building contractor holds a valid license as a specialty contractor for the construction trade.

(c) "General building contractor" includes the mechanical work for the construction of single-family and multifamily residences of up to four units when the mechanical work is performed by a licensed master plumber as defined in Section 58-55-401, a licensed journeyman plumber as defined in Section 58-55-401, a licensed master electrician as defined in Section 58-55-301, or a licensed journeyman electrician as defined in Section 58-55-301 that the general building contractor employs.

(5) "General electrical contractor" means a person that performs or superintends the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses electrical energy, or other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(6) "General engineering contractor" means a person that performs or superintends the construction of fixed works, or components of fixed works, and has specialized engineering knowledge and skill in:

(a) airports;
(b) airport runways;
(c) bridges;
(d) chemical plants;
(e) drainage;
(f) electrical utilities;
(g) flood control;
(h) foundations;
(i) harbors;
(j) highways;
(k) industrial plants;
(l) inland waterways;
(m) irrigation systems;
(n) piers;
(o) pipelines;
(p) power plants;
(q) railroads;
(r) refineries;
(s) sewers;
(t) tunnels;
(u) underground electric utility conduits;
(v) utility plants;
(w) water power; or
(x) water supply.

(7) "General plumbing contractor" means a person that performs or superintends the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing a permanent means for:

(a) a supply of safe and pure water;

(b) the timely and complete removal from the premises of used or contaminated water, fluid and semi-fluid organic wastes, and other impurities incidental to life;
(c) a safe and adequate supply of gas for lighting, heating, and industrial purposes; or
(d) other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(8) "HVAC" means a heating, ventilation, and air conditioning system and the specific components that are a part of the system, including the gas line.

(9) "HVAC contractor" means a person that performs or superintends the installation, maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(10) "Public project" means the contract is with or authorized by a public entity as defined in Section 63G-6a-103.

(11)
(a) "Residential and small commercial contractor" means a person that performs or superintends the construction or supervision of the construction for:
(i) a single-family residence;
(ii) a multifamily residence with no more than four units; and
(iii) a commercial structure that is three stories or less above ground and does not exceed 20,000 square feet.
(b) "Residential and small commercial contractor" does not include:
(i) plumbing;
(ii) electrical work;
(iii) mechanical work;
(iv) work related to the operational integrity of an elevator;
(v) construction trade involving the installation of manufactured housing; or
(vi) work the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial risk to the public health, safety, and welfare unless the general building contractor holds a specialty contractor license.
(c) "Residential and small commercial contractor" includes the mechanical work for the construction of single-family and multifamily residences of up to four units when the mechanical work is performed by a licensed electrician as defined in Section 58-55-301 or a licensed plumber as defined in Section 58-55-401 that the residential and small commercial contractor employs.

(12) "Residential electrical contractor" means a person that performs or superintends:
(a) the fabrication, construction, and installation of services;
(b) the disconnection of means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit; or
(c) any other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(13) "Residential plumbing contractor" means a person that performs or superintends the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a residential building by providing permanent means for:
(a) a supply of safe and pure water;
(b) the timely and complete removal from the premises of used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life;
(c) a safe and adequate supply of gas for lighting, heating, and residential purposes; or
(d) other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(14) "Second-tier subcontractor" means a subcontractor that contracts with a subcontractor.

(15) "Specialty contractor" means a person that performs or superintends the construction trades and crafts requiring specialized skill, the regulation of which the division determines to be in the best interest of the public health, safety, and welfare.
(16)
(a) "Subcontractor" means a person under contract with a general contractor or another subcontractor to provide services or labor for the construction, installation, or repair of an improvement to real property.
(b) "Subcontractor" includes a trade contractor or specialty contractor.
(c) "Subcontractor" includes a first-tier subcontractor and a second-tier subcontractor.
(d) "Subcontractor" does not include a supplier that provides only materials, equipment, or supplies to a general contractor or subcontractor.
(17) "Zero estimated exposure policy" means the same as that term is defined in Section 31A-22-1017.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-203 Qualifications for licensure.
(1) Each applicant for a license under this part shall:
(a) submit a completed application on a form the division approves;
(b) pay the fee the division determines in accordance with Section 63J-1-504;
(c) complete a 25-hour pre-licensure course that:
(i) is taught by an approved pre-licensure course provider;
(ii) meets the requirements the commission makes with the concurrence of the director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) provides any offered test free of charge;
(d) complete a five-hour business and law course that:
(i) is taught by an approved pre-licensure course provider; and
(ii) meets the requirements the commission makes with the concurrence of the director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(e) satisfy examination requirements the commission makes with the concurrence of the director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(f) except for an applicant for a construction trades instructor license, provide evidence of:
(i) two-years' full-time, paid employment experience in the construction industry; and
(ii) knowledge of business practices and principles necessary to protect the public health, safety, and welfare.
(2) An applicant for licensure as a construction trades instructor shall satisfy additional requirements the division makes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3) An applicant who is a licensed journeyman lineman in another jurisdiction may satisfy Subsection (1)(f)(i) by meeting the requirements the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(4) A general engineering contractor may not perform or superintend:
(a) construction of a structure built primarily for the support, shelter, and enclosure of individuals, animals, or personal property;
(b) plumbing work;
(c) electrical work beyond underground electric utility conduit or electrical utilities;

(d) high voltage utility work as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without a journeyman lineman;
(e) mechanical work; or
(f) work for which the general engineering contractor does not have the required specialized engineering knowledge and skill.

(5) An applicant for licensure as an HVAC contractor shall submit to the division satisfactory evidence that the applicant:
(a) completed two-years' full-time, paid employment requiring HVAC specific experience; and
(b) passed an examination the commission makes by rule with the director's concurrence and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) A specialty contractor may perform construction trade other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed construction trade.

(7) An applicant for a contractor license who is a building inspector may satisfy the two-year experience requirement in Subsection (1)(f) by providing evidence of two-years' of full-time, paid employment as a building inspector, including at least one year as a licensed combination inspector.

(8) Each qualifier shall meet the following additional requirements:
(a) for residential electrical contractor licensure, the qualifier shall hold a master electrician or master residential electrician license;
(b) for electrical contractor licensure, the qualifier shall hold a master electrician license;
(c) for residential plumbing contractor licensure, the qualifier shall hold a master plumber license or master residential plumber license;
(d) for plumbing contractor licensure, the qualifier shall hold a master plumber license; or
(e) for elevator contractor licensure, the qualifier shall hold an elevator mechanic license and provide satisfactory evidence of three-years' experience as an elevator mechanic.

(9)
(a) The qualifier and each individual holding at least a 10% voting interest shall:
(i) consent to and complete a criminal background check as described in Section 58-1-301.5;
(ii) meet the background check standard the division makes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose criminal history on a form the division approves.
(b) When the applicant is an unincorporated entity, the applicant shall provide, in accordance with Subsection 58-55-112(2), a list of each individual holding an ownership interest on the date the applicant applies for licensure.

(10)
(a) Before the division issues a license, the applicant shall file with the division:
(i)
(A) proof of workers' compensation insurance covering the applicant's employees; or
(B) a workers' compensation waiver if the applicant claims to not have any employees;
(ii) proof of public liability insurance in the coverage amounts and form the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) proof of registration as required by law with:
(A) the Division of Corporations and Commercial Code;
(B) the Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
(C) the State Tax Commission; and
(D) the Internal Revenue Service.

(b) An applicant for licensure as a construction trades instructor is exempt from the requirements under this Subsection (10).

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-204 Contractor continuing education requirements -- Continuing education courses.

(1) During each two-year license term the division establishes by rule in accordance with Section 58-55-108, a contractor shall complete six hours of continuing education.

(2)

(a) Subject to Subsections (2)(b) through (2)(e), the commission shall establish by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, approved continuing education for contractor licensees.

(b) The commission may only approve courses for continuing education if offered by:

(i) the Associated General Contractors of Utah;

(ii) Associated Builders and Contractors, Utah Chapter;

(iii) the Utah Home Builders Association;

(iv) the National Electrical Contractors Association Intermountain Chapter;

(v) the Utah Plumbing and Heating Contractors Association;

(vi) the Independent Electrical Contractors of Utah;

(vii) the Rocky Mountain Gas Association;

(viii) the Utah Mechanical Contractors Association;

(ix) the Sheet Metal Contractors Association;

(x) the Intermountain Electrical Association;

(xi) the American Subcontractors Association, Utah Chapter;

(xii) the Utah Roofing Contractors Association;

(xiii) a state executive branch agency;

(xiv) a workers' compensation insurance carrier that provides workers' compensation insurance under Section 31A-22-1001; or

(xv) a nationally or regionally accredited college or university that has a physical campus in the state.

(c) Continuing education for a contractor licensee may include a course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).

(d)

(i) Except as provided in Subsections (2)(d)(ii) and (2)(d)(iii), an entity listed in Subsections (2)(b)(iv) through (2)(b)(xii) may offer and market continuing education courses only to a licensee who is a member of the entity.

(ii) An entity described in Subsection (2)(b)(iv), (2)(b)(vi), or (2)(b)(x) may offer and market a continuing education course that the entity offers to a contractor in an electrical trade.

(iii) An entity described in Subsection (2)(b)(v) or (2)(b)(viii) may offer and market a continuing education course only to a licensee who is licensed in the same construction trade as the entity.

(e) For an HVAC contractor, at least three of the six required continuing education hours must directly relate to the installation, repair, or replacement of heating, ventilation, or air conditioning systems.

(3)

(a) The division shall identify a specialty contractor under this section that primarily engages in landscape work.

(b) During each two-year renewal cycle, at least one of the six hours of continuing education described in Subsection (1) that a specialty contractor described in Subsection (3)(a) completes shall cover the following topics:
(i) water conservation landscaping principles, including:
(A) understanding water scarcity in this state;
(B) selecting drought tolerant plants that are native to this state;
(C) efficient irrigation design; and
(D) soil amendment techniques for soil retention; or
(ii) fire risk management landscaping principles, including:
(A) designing a landscape to prevent the spread of fire; and
(B) incorporating rocks, concrete, and other materials to prevent the spread of fire.
(4) The division may contract with a person to establish and maintain a registry of continuing education that includes:
(a) a list of approved continuing education courses; and
(b) a list of courses that:
(i) a licensed contractor completes; and
(ii) the licensed contractor may access to monitor compliance with the continuing education requirement.
(5) The division may charge a fee in accordance with Section 63J-1-504, to administer this section.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-205 Financial responsibility.
(1) Before issuing, renewing, or reinstating a contractor license, the division shall require an applicant to demonstrate financial responsibility by:
(a)
(i) completing a financial responsibility questionnaire the division prepares; and
(ii) signing the questionnaire and certifying the accuracy of the information provided; or
(b) submitting a bond in the form and amount the commission determines by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) An applicant, a licensee, or a person that holds an ownership interest in an unincorporated contractor licensee shall maintain financial responsibility throughout the period of licensure.
(3) At the division's discretion, the division may audit the financial responsibility of an applicant, a licensee, or a person that holds an ownership interest in an unincorporated entity licensee.
(4) The applicant, the licensee, and a person that holds an ownership interest in an unincorporated entity licensee bear the burden of demonstrating financial responsibility.
(5)
(a) When reviewing the financial responsibility of an unincorporated entity, the division:
(i) shall consider the personal financial information of each person that holds an ownership interest in the entity; and
(ii) may at any time:
(A) audit the personal financial information of a person that holds an ownership interest; or
(B) request and obtain a credit report for a person that holds an ownership interest.
(b) If the division determines, based on the financial information of the applicant, the licensee, or a person that holds an ownership interest in an unincorporated entity that an applicant or

licensee lacks the financial responsibility to engage successfully in business as a contractor, the division may:

(i) prohibit the person from engaging in a construction trade;

(ii) prohibit the applicant or licensee from engaging in a construction trade unless the applicant or licensed entity dissociates from the person the division determines lacks financial responsibility within 10 days after the division makes the determination of lack of financial responsibility; or

(iii) require the applicant or licensee to post a bond that is:

(A) in the amount and form the commission determines by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(B) equal to 20% of the applicant or licensee's annual gross distributions to the licensee's owners, including coverage for unpaid obligations including taxes.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-206 Requirements when working for political subdivision or state agency.

A political subdivision or state agency that requires a permit as a precondition to construction, alteration, improvement, demolition, or other repair work and requires a contractor license shall:

(1) require each contractor applying for a permit to include in the application a signed statement verifying that the contractor holds a current contractor license and providing the license number;

(2) require any contractor applying for a permit that is claiming an exemption from the contractor licensing requirement a signed statement that includes the exemption and provides the license number of any contractor that the person intends to hire to perform work under the permit;

(3) issue a permit when no contractor has been selected at the time of application on the condition that the applicant will:

(a) select a currently licensed contractor;

(b) provide the license number to the issuing entity; and

(c) display the license number on the permit;

(4) require the contractor, upon issuance of the permit, to affix the contractor's license number to the permit for public display; and

(5) require the contractor to provide proof of:

(a) workers' compensation insurance;

(b) contributions to the unemployment insurance fund;

(c) health insurance coverage as required under federal or state law; and

(d) proper withholding of all applicable taxes from worker pay.

Renumbered and Amended by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-207 Payment -- Account designated.

(1) A contractor that pays a material supplier, a contractor, or a subcontractor with which the contractor maintains a running account, holds multiple contracts, or owes an outstanding debt shall:

(a) clearly designate the contract for which the payment is made; and

(b) identify the specific items of account to which the payment applies.

(2) A subcontractor or material supplier that receives a payment for materials or labor shall require the person paying to:
  (a) clearly designate the contract for which the payment is made; and
  (b) identify the specific items of account to which the payment applies.
(3) In an action to enforce a lien for materials provided or labor performed by a subcontractor or material supplier, the owner may assert a defense to the lien if:
  (a) the owner paid the contractor for the materials and the contractor designated the payment in accordance with Subsection (1);
  (b) the contractor transferred the payment to the subcontractor or material supplier; and
  (c) the subcontractor or material supplier failed to require a designation of the account and the specific items of account when receiving the payment.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-208 Payment of construction funds.

(1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
(2) On projects involving multiple buildings, each building should be considered individually in determining the amount to be paid to the contractor.
(3) When a building is partially occupied, the owner shall pay the contractor in direct proportion to the value of the part of the building occupied.
(4) If any payment is retained or withheld, the retention or withholding shall be released as provided in Section 13-8-5.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-209 Payment to subcontractors and suppliers.

(1) A contractor that receives construction funds for work performed and billed shall pay each subcontractor and supplier in proportion to the work the subcontractor or supplier performed on the work billed, unless otherwise agreed by contract.
(2)
  (a) A contractor shall pay a subcontractor or supplier on or before the later of:
    (i) 30 calendar days after the day on which the contractor receives construction funds; or
    (ii) the day after the day on which payment is due.
  (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that receives funds and does not comply with Subsection (2)(a) shall pay to the subcontractor or supplier:
    (i) interest in the amount of 1% per month of the amount due, beginning on the day after the day on which payment is due; and
    (ii) reasonable costs of collection and attorney fees.
  (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the subcontractor or supplier for work performed and billed.
(3) When a subcontractor receives a construction payment under this section, Subsections (1) and (2) apply to the subcontractor.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-210 Proof of licensure to begin or maintain litigation.

A contractor may not bring or maintain a court action to collect compensation for work requiring a license under this chapter unless the contractor alleges and proves that the contractor held the required license:

(1) when entering into the contract; and

(2) when the cause of action arose.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-211 Pay statement required.

(1) On the day on which a contractor licensed under this part pays an individual for work that the individual performed, the contractor shall give the individual a written or electronic pay statement that states:

(a) the individual's name;

(b) the individual's base rate of pay;

(c) the dates of the pay period for which the individual is being paid;

(d) if paid hourly, the number of hours the individual worked during the pay period;

(e) the amount of and reason for money withheld in accordance with state and federal law, including:

(i) state and federal income tax;

(ii) Social Security tax;

(iii) Medicare tax; and

(iv) court-ordered withholdings; and

(f) the total amount paid to the individual for that pay period.

(2) A person licensed under this chapter shall:

(a) comply with the requirements described in Subsection (1) regardless of whether the person pays the individual by check, cash, or other means;

(b) retain a copy of each pay statement described in Subsection (1) for at least three years after the day on which the person gives a copy of the pay statement to the individual; and

(c) upon request, make the pay statement records described in this section available to the division for inspection.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-212 Construction Business Registry.

(1) The division shall establish and maintain the Construction Business Registry as described in this section.

(2) The Construction Business Registry shall consist of a database of contact information for licensed contractors.

(3) The division shall ensure that the Construction Business Registry is:

(a) accessible to the public through an internet website; and

(b) indexed by:

(i) the name of the licensed contractor qualifier;

(ii) the name of the licensed contractor's licensed business;

(iii) the license the contractor holds; and

(iv) any other identifier that the division considers reasonably appropriate.

(4) The division may link the Construction Business Registry with the State Construction Registry under Title 38, Chapter 1a, Part 2, State Construction Registry.
(5)
(a) The division shall establish a process for a licensed contractor to:
(i) provide the contact information that the licensed contractor wants included in the Construction Business Registry before entry into the Construction Business Registry;
(ii) opt out of participation in the Construction Business Registry; or
(iii) amend the licensed contractor's contact information in the Construction Business Registry.
(b) If a licensed contractor does not specify the licensed contractor's contact information for the Construction Business Registry, the division shall include in the Construction Business Registry only public contact information for the licensed contractor.
(6) The division may establish a fee in accordance with Section 63J-1-504 for the entry of a licensed contractor's contact information into the Construction Business Registry to offset the cost of creating, administering, and maintaining the Construction Business Registry.
(7) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish and maintain the Construction Business Registry.

Renumbered and Amended by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-213 Public Project Subcontractors.
(1) Before engaging in a construction trade on a public project, a subcontractor shall:
(a) provide a list of current employees to the general contractor and the property owner for which the subcontractor engages in a construction trade;
(b) provide the general contractor and the property owner the second-tier subcontractor's name and the second-tier subcontractor's license number if the subcontractor intends to accept a contract with a second-tier subcontractor related to construction trade on a public project;
(c) if the subcontractor holds a zero estimated exposure policy, provide to a person that contracts with the subcontractor for construction trade on a public project:
(i) written notice that the subcontractor has a zero estimated exposure policy; and
(ii) a copy of the zero estimated exposure policy;
(d) ensure that each of the subcontractor's employees on the construction site possess photo identification and shall ensure that the identification will be presented to the division upon request; and
(e) provide to the general contractor and the property owner the estimated number of labor hours for their portion of the project.
(2) At the division's request, a subcontractor shall provide the following for each current employee of the subcontractor:
(a) the name of the employee; and
(b) if the employee possesses a professional license, the professional license number of the employee.
(3)
(a) The general contractor and the property owner shall retain the information the subcontractor provides for three years from the day after the day on which the general contractor and the property owner receive the information from the subcontractor.
(b) The general contractor and the property owner shall provide the information the general contractor and the property owner receive from a subcontractor to the division at the division's request.

(4) The division may:
(a) make audit recommendations to the State Tax Commission; and
(b) provide information obtained in accordance with this section to the State Tax Commission.

Renumbered and Amended by Chapter 198, 2026 General Session, (Coordination Clause)

Superseded 1/1/2027

Part 3
Licensing

Effective 1/1/2027

Part 3
Electricians

Superseded 1/1/2027

58-55-301 License required -- License classifications -- Scope.

(1)
(a) A person engaged in the construction trades licensed under this chapter, as a contractor regulated under this chapter, as an alarm business or company, or as an alarm company agent, shall become licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under Section 58-1-307 or 58-55-305.
(b) The license issued under this chapter and the business license issued by the local jurisdiction in which the licensee has its principal place of business shall be the only licenses required for the licensee to engage in a trade licensed by this chapter, within the state.
(c) Neither the state nor any of its political subdivisions may require of a licensee any additional business licenses, registrations, certifications, contributions, donations, or anything else established for the purpose of qualifying a licensee under this chapter to do business in that local jurisdiction, except for contract prequalification procedures required by state agencies, or the payment of any fee for the license, registration, or certification established as a condition to do business in that local jurisdiction.

(2) The division shall issue licenses under this chapter to qualified persons in the following classifications:
(a) alarm company;
(b) alarm company agent;
(c) apprentice electrician;
(d) apprentice plumber;
(e) construction trades instructor:
(i) general building classification;
(ii) general engineering classification;
(iii) electrical classification;
(iv) mechanical classification; and
(v) plumbing classification;
(f) elevator contractor;
(g) elevator mechanic;

(h) general building contractor;
(i) general electrical contractor;
(j) general engineering contractor;
(k) general plumbing contractor;
(l) HVAC contractor;
(m) journeyman electrician;
(n) journeyman plumber;
(o) master electrician;
(p) master plumber;
(q) residential and small commercial contractor;
(r) residential electrical contractor;
(s) residential journeyman electrician;
(t) residential journeyman plumber;
(u) residential master electrician;
(v) residential master plumber;
(w) residential plumbing contractor; and
(x) specialty contractor.

(3)
(a) An applicant may apply for a license in one or more classification or specialty contractor subclassification.
(b) A license shall be granted in each classification or subclassification for which the applicant qualifies.
(c) A separate application and fee must be submitted for each license classification or subclassification.

(4) With the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may further define the scope of work by rule for:
(a) a general electrical contractor;
(b) a general plumbing contractor;
(c) an HVAC contractor;
(d) a residential electrical contractor; and
(e) a residential plumbing contractor.

Amended by Chapter 268, 2025 General Session

Effective 1/1/2027

58-55-301 Definitions.

As used in this part:

(1) "Apprentice electrician" means an individual who is learning the electrician trade under the immediate supervision of a master electrician, residential master electrician, journeyman electrician, or a residential journeyman electrician in accordance with this chapter.

(2)
(a) "Electrical trade" means the performance of electrical work involving the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.
(b) "Electrical trade" does not include:
(i) transporting or handling electrical materials;
(ii) preparing clearance for raceways for wiring;

(iii) work commonly done by unskilled labor on an installation under the exclusive control of electrical utilities;
(iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard;
(v) work involving class two or class three power-limited circuits as defined in the National Electrical Code; or
(vi) minor electrical work incidental to a mechanical or service installation when wiring is extended to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20 amperes.

(3) "Journeyman electrician" means an individual who performs the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.
(4) "Journeyman lineman" means an individual who builds and maintains an electrical power system, performs work on transmission lines or distribution lines from power plants to customers and has completed a 7,000 hour certified apprenticeship program.
(5) "Licensed electrician" means an individual who is licensed as an apprentice electrician, a journeyman electrician, a master electrician, a residential journeyman electrician, or a residential master electrician.
(6) "Master electrician" means an individual who plans and supervises the wiring, installation, and repair of electrical apparatus and equipment.
(7) "Residential journeyman electrician" means an individual who wires, installs, and repairs electrical apparatus and equipment for light, heat, power, and other purposes for a residential project.
(8) "Residential master electrician" means an individual who plans and supervises the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes for a residential project.
(9) "Residential project" means a residential building primarily wired with nonmetallic sheathed cable that follows the National Electrical Code.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-302 Qualifications for licensure.

(1) Each applicant for a license under this chapter shall:
(a) submit an application the division approves;
(b) pay a fee as determined by the department under Section 63J-1-504;
(c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:
(i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;
(ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law course described in Subsection (1)(e)(iv); and
(iii) if required by Section 58-55-304 and the applicant is a business entity, that an individual qualifier pass the required division-administered examination;

(d) for licensure as an apprentice, identify the proposed supervisor of the apprenticeship;
(e) for licensure as a contractor:
(i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
(ii) produce satisfactory evidence of:
(A) except as provided in Subsection (2)(a), and except that no employment experience is required for licensure as a specialty contractor, two years full-time paid employment experience in the construction industry, which employment experience, unless more specifically described in this section, may be related to any contracting classification and does not have to include supervisory experience; and
(B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare;
(iii) except as otherwise provided by rule by the commission with the concurrence of the director, complete a 25-hour course that the commission with the concurrence of the director establishes by rule, that is taught by an approved prelicensure course provider, and which may include:
(A) construction business practices;
(B) bookkeeping fundamentals;
(C) mechanics lien fundamentals;
(D) other aspects of business and construction principles considered important by the commission with the concurrence of the director; and
(E) for no additional fee, a provider-administered examination at the end of the 25-hour course;
(iv) if the applicant is applying for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, residential electrical contractor, or HVAC contractor, other than an applicant who completed the 25-hour course described in Subsection (1)(e)(iii) before July 1, 2019, complete a five-hour business and law course:
(A) that the commission, with the concurrence of the director, establishes by rule; and
(B) that is taught by an approved prelicensure course provider;
(v)
(A) for licensure as a residential electrical contractor, be a licensed master electrician or a licensed master residential electrician;
(B) for licensure as an electrical contractor, be a licensed master electrician;
(C) for licensure as a residential plumbing contractor, be a licensed master plumber or a licensed master residential plumber;
(D) for licensure as a plumbing contractor, be a licensed master plumber; or
(E) for licensure as an elevator contractor, be a licensed elevator mechanic and produce satisfactory evidence of three years experience as an elevator mechanic;
(vi) when the applicant is an unincorporated entity, provide a list of the one or more individuals who hold an ownership interest in the applicant as of the day on which the application is filed that includes for each individual:
(A) the individual's name, address, birth date, and social security number or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(B) whether the individual will engage in a construction trade; and

(vii) the applicant or, if the applicant is a business entity as described in Section 58-55-304, an individual qualifier and each individual with at least a 10% voting interest in the business entity shall:

(A) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(B) meet any other standard related to the criminal background check described in Subsection (1)(e)(vii)(A), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(C) disclose any criminal history the division requests on a form the division approves; and

(f) for licensure as a construction trades instructor, satisfy any additional requirements the division establishes by rule.

(2)

(a) If the applicant for a contractor's license described in Subsection (1) is a building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two years of full-time paid employment experience as a building inspector, which shall include at least one year of full-time experience as a licensed combination inspector.

(b) The applicant shall file the following with the division before the division issues the license:

(i) proof of workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law;

(ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and

(iii) proof of registration as required by applicable law with the:

(A) Department of Commerce;

(B) Division of Corporations and Commercial Code;

(C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(D) State Tax Commission; and

(E) Internal Revenue Service.

(3) In addition to the general requirements for each applicant in Subsection (1), an applicant shall comply with the following requirements to be licensed in the following classifications:

(a)

(i) a master plumber shall produce satisfactory evidence that the applicant:

(A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;

(B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or

(C) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master plumber;

(ii) an individual holding a valid Utah license as a journeyman plumber, based on at least four years of practical experience as a licensed apprentice under the supervision of a licensed journeyman plumber and four years as a licensed journeyman plumber, in effect immediately before May 5, 2008, is on and after May 5, 2008, considered to hold a current master plumber license under this chapter, and satisfies the requirements of this Subsection

(3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303; and

(iii) an individual holding a valid plumbing contractor's license or residential plumbing contractor's license, in effect immediately before May 5, 2008, is on or after May 5, 2008:

(A) considered to hold a current master plumber license under this chapter if licensed as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303; and

(B) considered to hold a current residential master plumber license under this chapter if licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303;

(b) a master residential plumber applicant shall produce satisfactory evidence that the applicant:

(i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or

(ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master residential plumber;

(c) a journeyman plumber applicant shall produce satisfactory evidence of:

(i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;

(ii) at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or

(iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber;

(d) a residential journeyman plumber shall produce satisfactory evidence of:

(i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division;

(ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or

(iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman plumber;

(e) the conduct of a licensed apprentice plumber and the licensed apprentice plumber's licensed supervisor shall be in accordance with the following:

(i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

(ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed apprentice plumber may work without supervision for a period not to exceed eight hours in any 24-hour period; and

(iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor;

(f) a master electrician applicant shall produce satisfactory evidence that the applicant:

(i) is a graduate electrical engineer of an accredited college or university approved by the division and has one year of practical electrical experience as a licensed apprentice electrician;

(ii) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;

(iii) has four years of practical experience as a journeyman electrician; or

(iv) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master electrician;

(g) a master residential electrician applicant shall produce satisfactory evidence that the applicant:

(i) has at least two years of practical experience as a residential journeyman electrician; or

(ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a master residential electrician;

(h) a journeyman electrician applicant shall produce satisfactory evidence that the applicant:

(i) has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under the supervision of a master electrician or journeyman electrician and in accordance with a planned training program approved by the division;

(ii) has at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or

(iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman electrician;

(i) a residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:

(i) has successfully completed two years of training in an electrical training program approved by the division;

(ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or

(iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman electrician;

(j) the conduct of a licensed apprentice electrician and the licensed apprentice electrician's licensed supervisor shall be in accordance with the following:
(i) a licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician;
(ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed apprentice electrician may work without supervision for a period not to exceed eight hours in any 24-hour period;
(iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor; and
(iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project, or more if established by rules made by the commission, in concurrence with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(k) an alarm company applicant shall:
(i) have a qualifying agent who:
(A) is an alarm company officer, alarm company owner, alarm company proprietor, an alarm company trustee, or other responsible management personnel;
(B) demonstrates 6,000 hours of experience in the alarm company business;
(C) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and
(D) passes an examination by the commission, with the concurrence of the director, establishes by rule;
(ii) require that each alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state:
(A) provide the applicant's name, address, date of birth, social security number, and fingerprints to the division;
(B) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(C) meet any other standard related to the criminal background check described in Subsection (2)(k)(ii)(B), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(D) disclose any criminal history the division requests on a form the division approves;
(iii) document that none of the individuals described in Subsection (3)(k)(ii):
(A) have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; or
(B) are currently suffering from habitual drunkenness or from drug addiction or dependence;
(iv) file and maintain with the division evidence of:
(A) comprehensive general liability insurance in form and in amounts established by rule by the commission with the concurrence of the director;
(B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
(C) registration as is required by applicable law with the:
(I) Division of Corporations and Commercial Code;
(II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
(III) State Tax Commission; and

(IV) Internal Revenue Service; and

(v) meet with the division and board;

(l) an applicant for licensure as an alarm company agent shall:

(i) submit an application in a form the division approves accompanied by fingerprint cards;

(ii) pay a fee determined by the department under Section 63J-1-504;

(iii) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(A) meet any other standard related to the criminal background check described in this Subsection (3)(l)(iii), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(B) disclose any criminal history the division requests on a form the division approves;

(iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and

(vi) meet with the division and board if requested by the division or the board; and

(m)

(i) an applicant for licensure as an elevator mechanic shall:

(A) provide documentation of experience and education credits of not less than three years work experience in the elevator industry, in construction, maintenance, or service and repair;

(B) satisfactorily complete a written examination administered by the division established by rule under Section 58-1-203; or

(C) provide certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter and registered with the United States Department of Labor Bureau Apprenticeship and Training or a state apprenticeship council; and

(ii)

(A) if an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may notify the division of the unavailability of licensed personnel and request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A); and

(B) if an elevator contractor requests that the division issue a temporary elevator license as described in Subsection (3)(m)(ii)(A), the division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504 and shall specify the time period for which the license is valid and may renew the license for an additional time period upon the division's determination that a shortage of licensed elevator mechanics continues to exist.

(n) An applicant for licensure as an HVAC contractor shall produce satisfactory evidence to the division that the applicant:

(i) completed two years full-time paid employment of HVAC specific experience; and

(ii) passed an examination the commission, with the concurrence of the director, established by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(o) An applicant for a general engineering contractor's license described in Subsection (1) may satisfy Subsection (1)(e)(ii)(A):

(i) by producing satisfactory evidence of four years relevant full-time paid employment experience; or

(ii) if the applicant is a licensed journeyman lineman in another jurisdiction, by meeting the requirements the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent under this section and Section 58-1-301.5.

(5)

(a) The division shall deny an application for licensure under this chapter if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;

(ii)

(A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity that has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;

(iii)

(A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application; or

(iv)

(A) the applicant includes an individual who was an owner, director, or officer of an unincorporated entity at the time the entity's license under this chapter was revoked; and

(B) the application for licensure is filed within 60 months after the revocation of the unincorporated entity's license.

(b) The appropriate licensing board shall review an application for licensure under this chapter before approval if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application;

(ii)

(A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity that has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application; or

(iii)

(A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity that has had a previous license, which was issued under this

chapter, suspended or revoked more than two years before the date of the applicant's application.

(6)

(a)

(i) A licensee that is an unincorporated entity shall file an ownership status report with the division every 30 days after the day on which the license is issued if the licensee has more than five owners who are individuals who:

(A) own an interest in the contractor that is an unincorporated entity;

(B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the unincorporated entity; and

(C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (6)(a)(i)(A).

(ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the licensee shall provide the ownership status report with an application for renewal of licensure.

(b) An ownership status report required under this Subsection (6) shall:

(i) specify each addition or deletion of an owner:

(A) for the first ownership status report, after the day on which the unincorporated entity is licensed under this chapter; and

(B) for a subsequent ownership status report, after the day on which the previous ownership status report is filed;

(ii) be in a format the division approves and that includes for each owner, regardless of the owner's percentage ownership in the unincorporated entity, the information described in Subsection (1)(e)(vi);

(iii) list the name of:

(A) each officer or manager of the unincorporated entity; and

(B) each other individual involved in the operation, supervision, or management of the unincorporated entity; and

(iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if the ownership status report indicates there is a change described in Subsection (6)(b)(i).

(c) The division may audit, at any time, an ownership status report under this Subsection (6):

(i) to determine if financial responsibility has been demonstrated or maintained as required under Section 58-55-306; and

(ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or Subsection 58-55-502(8) or (9).

(7)

(a) An unincorporated entity that provides labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah shall file with the division:

(i) before the individual who owns an interest in the unincorporated entity engages in a construction trade in Utah, a current list of the one or more individuals who hold an ownership interest in the unincorporated entity that includes for each individual:

(A) the individual's name, address, birth date, and social security number; and

(B) whether the individual will engage in a construction trade; and

(ii) every 30 days after the day on which the unincorporated entity provides the list described in Subsection (7)(a)(i), an ownership status report containing the information that would be required under Subsection (6) if the unincorporated entity were a licensed contractor.

(b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership status report described in Subsection (7)(a)(ii) an unincorporated entity shall pay a fee set by the division in accordance with Section 63J-1-504.

(8) This chapter may not be interpreted to create or support an express or implied independent contractor relationship between an unincorporated entity described in Subsection (6) or (7) and the owners of the unincorporated entity for any purpose, including income tax withholding.

(9)

(a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a private record under Subsection 63G-2-302(1)(i).

(b) The division may designate an applicant's evidence of identity under Subsection (1)(e)(vi) as a private record in accordance with Section 63G-2-302.

Amended by Chapter 268, 2025 General Session
Amended by Chapter 443, 2025 General Session

Effective 1/1/2027

58-55-302 Electrician Education Fund.

(1) There is created an expendable special revenue fund known as the Electrician Education Fund.

(2) The fund consists of money from a surcharge the division establishes in accordance with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement licensures for an apprentice electrician, a journeyman electrician, a master electrician, a residential journeyman electrician, and a residential master electrician.

(3)

(a) The surcharge may not exceed $5.

(b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described in Section 58-55-106.

(4)

(a) The fund shall earn interest.

(b) The division shall deposit the interest into the fund.

(5) With the concurrence of the commission, the director may make distributions from the fund for the following purposes:

(a) education and training of licenses described in Subsection (2); and

(b) education and training of other individuals licensed under this chapter or the public about electrical laws and practices.

(6) If the balance in the fund is more than $100,000 at the end of any fiscal year, the division shall transfer the amount that exceeds $100,000 to the General Fund.

(7) The division shall report annually to the General Government Appropriations Subcommittee on:

(a) the balance in the fund; and

(b) fund expenditures.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Repealed 1/1/2027

58-55-302.5 Continuing education requirements for contractor licensees -- Continuing education courses.

(1)

(a) A contractor licensee under a license issued under this chapter shall complete six hours of approved continuing education during each two-year renewal cycle established by rule under Subsection 58-55-303(1).

(b) A contractor licensee who has a renewal cycle that ends on or after January 1, 2020, may complete one hour of approved continuing education on energy conservation as part of the six required hours.

(2)

(a) The commission shall, with the concurrence of the division, establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a program of approved continuing education for contractor licensees.

(b) Except as provided in Subsections (2)(c) and (e), only courses offered by any of the following may be included in the program of approved continuing education for contractor licensees:

(i) the Associated General Contractors of Utah;

(ii) Associated Builders and Contractors, Utah Chapter;

(iii) the Utah Home Builders Association;

(iv) the National Electrical Contractors Association Intermountain Chapter;

(v) the Utah Plumbing & Heating Contractors Association;

(vi) the Independent Electrical Contractors of Utah;

(vii) the Rocky Mountain Gas Association;

(viii) the Utah Mechanical Contractors Association;

(ix) the Sheet Metal Contractors Association;

(x) the Intermountain Electrical Association;

(xi) the American Subcontractors Association, Utah Chapter; or

(xii) Utah Roofing Contractors Association.

(c) An approved continuing education program for a contractor licensee may include a course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).

(d)

(i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education courses to a licensee who is a member of the entity.

(ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a continuing education course that the entity offers to satisfy the continuing education requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.

(iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a continuing education course that the entity offers to satisfy:

(A) the continuing education requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade; or

(B) the continuing education requirement described in Subsection (1) for a contractor licensee that is licensed in the specialty contractor classification of HVAC contractor.

(e) An approved continuing education program for a contractor licensee may include a course offered and taught by:

(i) a state executive branch agency;

(ii) the workers' compensation insurance carrier that provides workers' compensation insurance under Section 31A-22-1001; or

(iii) a nationally or regionally accredited college or university that has a physical campus in the state.

(f) For a contractor licensee that is licensed in the specialty contractor classification of HVAC contractor, at least three of the six hours described in Subsection (1) shall include continuing

education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(3)

(a) The division shall identify a specialty contractor under this section that primarily engages in landscape work.

(b) During each two-year renewal cycle, at least one of the six hours of continuing education described in Subsection (1) that a specialty contractor described in Subsection (3)(a) completes shall cover the following topics:

(i) water conservation landscaping principles, including:

(A) understanding water scarcity in this state;

(B) selecting drought tolerant plants that are native to this state;

(C) efficient irrigation design; and

(D) soil amendment techniques for soil retention; or

(ii) fire risk management landscaping principles, including:

(A) designing a landscape to prevent the spread of fire; and

(B) incorporating rocks, concrete, and other materials to prevent the spread of fire.

(4) The division may contract with a person to establish and maintain a continuing education registry to include:

(a) a list of courses that the division has approved for inclusion in the program of approved continuing education; and

(b) a list of courses that:

(i) a contractor licensee has completed under the program of approved continuing education; and

(ii) the licensee may access to monitor the licensee's compliance with the continuing education requirement established under Subsection (1).

(5) The division may charge a fee, as established by the division under Section 63J-1-504, to administer the requirements of this section.

Amended by Chapter 312, 2026 General Session

Repealed 1/1/2027

58-55-302.7 Continuing education requirements for electricians, elevator mechanics, and plumbers.

(1) As used in this section:

(a) "Licensed electrician" means an individual licensed under this chapter as an apprentice electrician, journeyman electrician, master electrician, residential journeyman electrician, or residential master electrician.

(b) "Licensed elevator mechanic" means an individual licensed under this chapter as an elevator mechanic.

(c) "Licensed plumber" means an individual licensed under this chapter as an apprentice plumber, journeyman plumber, master plumber, residential journeyman plumber, or residential master plumber.

(2) Beginning December 1, 2010, during each two-year renewal cycle established by rule under Subsection 58-55-303(1):

(a) a licensed electrician shall complete 16 hours of continuing education under the continuing education program established under this section;

(b) a licensed plumber shall complete 12 hours of continuing education under the continuing education program established under this section; and

(c) a licensed elevator mechanic shall complete eight hours of continuing education under the continuing education program established under this section.

(3) The commission shall, with the concurrence of the division, establish by rule:

(a) a continuing education program for licensed electricians;

(b) a continuing education program for licensed elevator mechanics; and

(c) a continuing education program for licensed plumbers.

(4) The division may contract with a person to establish and maintain a continuing education registry to include:

(a) an online application for a continuing education course provider to apply to the division for approval of the course for inclusion in the continuing education program;

(b) a list of courses that the division has approved for inclusion in the continuing education program; and

(c) a list of courses that:

(i) a licensed electrician, licensed elevator mechanic, or licensed plumber has completed under the continuing education program; and

(ii) the licensed electrician, licensed elevator mechanic, or licensed plumber may access to monitor compliance with the continuing education requirement under Subsection (2).

(5) The division may charge a fee, established by the division under Section 63J-1-504, to administer the requirements of this section.

Repealed by Chapter 42, 2026 General Session
Amended by Chapter 367, 2011 General Session

Superseded 1/1/2027

58-55-303 Term of license -- Expiration -- Renewal.

(1)

(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycle it administers.

(c)

(i) Notwithstanding a renewal cycle under Subsection (1)(a) or (b), notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, and subject to Subsection (1)(c)(ii), a license is automatically suspended 60 days after the licensee:

(A) becomes, after the time of licensing, an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(6)(a)(i); or

(B) transfers its license to an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(6)(a)(i).

(ii) An automatic suspension does not occur under Subsection (1)(c)(i) if, before the expiration of the 60-day period in Subsection (1)(c)(i):

(A) the licensee submits an application for renewal of the license; and

(B) the division renews the licensee's license pursuant to the licensee's application for renewal.

(iii) Within 30 days after the effective date of a suspension under Subsection (1)(c)(i), the commission shall, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, make a final determination concerning the suspension.

(2) At the time of renewal, the licensee shall show satisfactory evidence of:

(a) continuing financial responsibility as required under Section 58-55-306;

(b) for a contractor licensee, completion of six hours of approved continuing education, as required in Section 58-55-302.5; and
(c) if the licensee is an apprentice electrician or plumber, journeyman electrician or plumber, master electrician or plumber, residential journeyman electrician or plumber, or residential master electrician or plumber, completion of the number of hours of continuing education specified under Section 58-55-302.7.
(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308.
(4) The requirements of Subsection 58-55-302(5) shall also apply to applicants seeking to renew or reinstate a license.
(5) In addition to any other requirements imposed by law, if a license has been suspended or revoked for any reason, the applicant:
(a) shall pay in full all fines imposed by the division;
(b) resolve any outstanding citations or disciplinary actions with the division;
(c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution;
(d) complete a new financial responsibility review as required under Section 58-55-306, using only titled assets; and
(e) pay in full any reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

Amended by Chapter 223, 2023 General Session

Effective 1/1/2027
58-55-303 Qualifications for licensure.
(1) An applicant for a license under this part shall:
(a) submit an application the division approves;
(b) pay the fee the division determines in accordance with Section 63J-1-504; and
(c) pass the examination requirements described in this section and in rules the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) A master electrician applicant shall provide satisfactory evidence that the applicant:
(a) graduated as an electrical engineer from an accredited college or university the division approves and completed one year of practical electrical experience as a licensed apprentice electrician;
(b) graduated from an electrical trade school with an associate of applied sciences degree in a course the division approves and completed two years' practical experience as a licensed journeyman electrician;
(c) completed four-years of practical experience as a licensed journeyman electrician; or
(d) meets the qualifications for expedited licensure the commission establishes with the concurrence of the director and by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3) A master residential electrician applicant shall provide satisfactory evidence that the applicant:
(a) completed at least two-years' practical experience as a licensed residential journeyman electrician; or
(b) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(4) A journeyman electrician applicant shall provide satisfactory evidence that the applicant:

(a) successfully completed at least four-years' full-time training and instruction as a licensed apprentice electrician under the supervision of a licensed master electrician or a licensed journeyman electrician, in accordance with a training program the division approves;
(b) has at least eight-years' full-time experience the division approves in collaboration with the Electricians and Plumbers Licensing Board; or
(c) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) A residential journeyman electrician applicant shall provide satisfactory evidence that the applicant:
(a) successfully completed two-years' training in an electrical training program the division approves;
(b) completed four-years' practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or
(c) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6)
(a) An apprentice electrician applicant shall identify to the division the proposed supervisor of the apprenticeship.
(b) Upon licensure, an apprentice electrician and the apprentice electrician's supervisor shall:
(i) ensure the apprentice electrician works under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician for the initial three-years' training;
(ii) allow the apprentice electrician, beginning in the fourth year of training, to work without supervision for up to eight hours in any 24-hour period; and
(iii) comply with rules the commission makes with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentice electricians to supervisor.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-304 Licensee names -- License number use -- License qualifier.

(1) No license may be issued by the division in a name that is identical to or so resembles the name of another licensee that the division determines that it may result in confusion or mistake.
(2) The contractor's license number shall be made a part of all permit applications, contracts, agreements, or bids when a license is required.
(3) The division may issue a license in the name of an individual or the name of a business entity for which the individual acts as a qualifier, in accordance with the following:
(a) An individual shall:
(i) submit an application in the individual's name;
(ii) demonstrate the individual's own financial responsibility; and
(iii) pass the required examination and meet all other requirements of this chapter.
(b) A business entity shall:
(i) submit the application in the name of and on behalf of the business entity;
(ii) list the individual as the qualifier;

(iii) demonstrate financial responsibility of the business entity if applying for a contractor's license;
(iv) provide evidence that the individual qualifier has passed the required examination; and
(v) meet all other requirements of this chapter.

(4) A person acting as a qualifier for a business entity licensee must demonstrate to the division that the individual is an owner, officer, or manager within that business entity who exercises material authority in the conduct of that business entity's contracting business by:
(a) making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter;
(b) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the licensee either by himself or through others; and
(c) not being involved in any other employment or activity which conflicts with the individual's duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.

(5)
(a) Except as provided in Subsections (5)(b) and (c), it is the duty and responsibility of the licensee and the qualifier to comply with the provisions of this section. Failure to comply with the requirements of this section may be considered unprofessional conduct by the licensee, the qualifier, or both.
(b) If a licensee business entity has maintained its license and has not violated the requirements of this chapter or Sections 58-55-101 through 58-55-604 for a period of 10 consecutive years, the business entity may maintain its license under this chapter by recording an active employee name and registration/license number from the applicable trade on the renewal application in order to comply with the individual qualifier requirements of this section. However, this Subsection (5)(b) shall not apply if more than 50% of the ownership of the business entity has been transferred at any time during the ten-year period.
(c) If a plumbing or electrical business entity has maintained its license and has not violated the requirements of this chapter or Sections 58-55-101 through 58-55-604 for a period of five consecutive years, the business entity may maintain its license under this chapter by recording an active employee name and registration/license number from the applicable trade on the renewal application in order to comply with the individual qualifier requirements of this section. However, this Subsection (5)(c) shall not apply if more than 50% of the ownership of the business entity has been transferred at any time during the five-year period.

(6) If an individual qualifying on behalf of a business entity issued a license under this chapter ceases association with that entity as required in Subsection (4), the licensee shall notify the division in writing within 10 days after cessation of association or employment. If notice is given, the license shall remain in force for 60 days after the date of cessation of association or employment. The licensee shall replace the original qualifier with another individual qualifier within the 60-day period or the license shall be automatically suspended.

(7) Failure to notify the division of cessation of association or employment of a qualifier as required in Subsection (6) may result in immediate suspension of the license upon a finding of good cause.

Amended by Chapter 14, 2004 General Session

Effective 1/1/2027
58-55-304 Continuing education requirements for electricians.

(1) During each two-year license term the division establishes by rule in accordance with Section 58-55-108, a licensed electrician shall complete 16 hours of continuing education.
(2) The commission, with the concurrence of the division, shall establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed electricians.
(3) The division may contract with a person to establish and maintain a registry of continuing education that includes:
  (a) an online application for a continuing education course provider to apply to the division for approval of a course as continuing education;
  (b) a list of approved continuing education courses; and
  (c) a list of courses that:
    (i) a licensed electrician completes; and
    (ii) the licensed electrician may access to monitor compliance with the continuing education requirement.
(4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to administer this section.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Renumbered 1/1/2027
58-55-305 Exemptions from licensure.
(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter:
  (a) an authorized representative of the United States government or an authorized employee of the state or any of its political subdivisions when working on construction work of the state or the subdivision, and when acting within the terms of the person's trust, office, or employment;
  (b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction sites, and lumbering;
  (c) public utilities operating under the rules of the Public Service Commission on work incidental to their own business;
  (d) a sole owner of property engaged in building:
    (i) no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on the sole owner's property for the sole owner's noncommercial, nonpublic use, except that a person other than the property owner or a person described in Subsection (1)(e), who engages in building a residential structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or
    (ii) structures on the sole owner's property for the sole owner's noncommercial, nonpublic use that are incidental to a residential structure on the property, including a shed, carport, or detached garage;
  (e)
    (i) a person engaged in construction or renovation of a residential building for noncommercial, nonpublic use if that person:

(A) works without compensation other than token compensation that is not considered salary or wages; and

(B) works under the direction of the property owner who engages in building the structure; and

(ii) as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is:

(A) minimal in value when compared with the fair market value of the services provided by the person;

(B) not related to the fair market value of the services provided by the person; and

(C) is incidental to the providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction;

(f) a person engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a person, firm, or corporation licensed under this chapter to install, affix, or attach that property;

(g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter;

(h)

(i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than $7,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work; and

(ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section:

(A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time:

(I) shall be performed by a licensed electrical or plumbing contractor, if the project involves an electrical or plumbing system; and

(II) may be performed by a licensed journeyman electrician or plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system such as a faucet, toilet, fixture, device, outlet, or electrical switch;

(B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system on a Subsection (1)(h)(i) project shall be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);

(C) installation, repair, or replacement of water-based fire protection systems on a Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed journeyman plumber;

(D) work as an alarm business or company or as an alarm company agent shall be performed by a licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this chapter;

(E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be performed by a licensed alarm business or company or a licensed alarm company agent;

(F) installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division;

(G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and

(H) if the total value of the project is greater than $3,000, the person shall file with the division a one-time affirmation, subject to periodic reaffirmation as established by division rule, that the person has:

(I) public liability insurance in coverage amounts and form established by division rule; and

(II) if applicable, workers compensation insurance which would cover an employee of the person if that employee worked on the construction project;

(i) a person practicing a specialty contractor classification or construction trade which the director does not classify by administrative rule as significantly impacting the public's health, safety, and welfare;

(j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;

(k)

(i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 15A-1-202, provided that no modification is made to:

(A) existing culinary water, soil, waste, or vent piping; or

(B) a gas appliance or combustion system; and

(ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance is not included in the exemption provided under Subsection (1)(k)(i);

(l) a person who ordinarily would be subject to the plumber licensure requirements under this chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner or apparatus:

(i) meets the appropriate state construction codes or local plumbing standards; and

(ii) is installed or repaired under the direction of a person authorized to do the work under an appropriate specialty contractor license;

(m) a person who ordinarily would be subject to the electrician licensure requirements under this chapter when employed by:

(i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or

(ii) public service corporations, rural electrification associations, or municipal utilities who generate, distribute, or sell electrical energy for light, heat, or power;

(n) a person involved in minor electrical work incidental to a mechanical or service installation, including the outdoor installation of:

(i) an above-ground, prebuilt hot tub; or

(ii) the installation, maintenance, or repair of on-premise signs;

(o) a person who ordinarily would be subject to the electrician licensure requirements under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty contractor license for the electrical work associated with the installation, repair, or maintenance of solar energy panels, may continue the limited electrical work for solar energy panels under a specialty contractor license;

(p) a student participating in construction trade education and training programs approved by the commission with the concurrence of the director under the condition that:

(i) all work intended as a part of a finished product on which there would normally be an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed building inspector; and
(ii) a licensed contractor obtains the necessary building permits;
(q) a delivery person when replacing any of the following existing equipment with a new gas appliance, provided there is an existing gas shutoff valve at the appliance:
(i) gas range;
(ii) gas dryer;
(iii) outdoor gas barbeque; or
(iv) outdoor gas patio heater;
(r) a person performing maintenance on an elevator as defined in Section 58-55-102, if the maintenance is not related to the operating integrity of the elevator; and
(s) an apprentice or helper of an elevator mechanic licensed under this chapter when working under the general direction of the licensed elevator mechanic.
(2) A compliance agency as defined in Section 15A-1-202 that issues a building permit to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of the permit.

Renumbered and Amended by Chapter 42, 2026 General Session
Amended by Chapter 176, 2025 General Session

58-55-306 Financial responsibility.
(1) An applicant for licensure as a contractor, and a licensee applying for renewal or reinstatement of a contractor's license shall demonstrate to the division and the commission the applicant's or licensee's financial responsibility before the issuance of or the renewal or reinstatement of a license by:
(a)
(i) completing a questionnaire developed by the division; and
(ii) signing the questionnaire, certifying that the information provided is true and accurate; or
(b) submitting a bond in an amount and form determined by the commission with the concurrence of the director.
(2) A licensee, including an individual who holds an ownership interest in an unincorporated entity licensee, shall maintain financial responsibility throughout the period of licensure.
(3) The division may audit the financial responsibility of an applicant or licensee on a random basis or upon finding of a reasonable need.
(4) The burden to demonstrate financial responsibility is upon the applicant, licensee, or owner of an unincorporated entity licensee, as the case may be.
(5)
(a) In determining the financial responsibility of an applicant or licensee described in Subsection (1) that is an unincorporated entity, the division:
(i) shall consider the personal financial information of each individual who holds an ownership interest in the unincorporated entity; and
(ii) may, at any time:
(A) audit the personal financial information of any individual who holds an ownership interest in the unincorporated entity; or
(B) request and obtain a credit report on the individual.
(b) If, based on the personal financial information of one or more individuals who hold an ownership interest in the unincorporated entity, the division determines that the applicant or

licensee lacks financial responsibility to engage successfully in business as a contractor, the division may:

(i) prohibit the individual or individuals from engaging in a construction trade;

(ii) prohibit the applicant or licensee from engaging in a construction trade, unless the individual or individuals dissociate from the applicant or licensee within 10 days after the division makes the determination of a lack of financial responsibility; or

(iii) require the individual or individuals, applicant, or licensee to submit a bond that is in a form determined by the commission with the concurrence of the director and in an amount that is:

(A) determined by the commission with the concurrence of the director; or

(B) 20% of the annual gross distributions from the unincorporated entity to its owners and that includes coverage for unpaid obligations incurred by the licensee contractor and any failure of the licensee contractor owners to pay income taxes and self-employment taxes on the gross distributions from the unincorporated entity to its owners.

Amended by Chapter 57, 2013 General Session

Renumbered 1/1/2027

58-55-307 Confidentiality of records and reports.

(1) Credit reports, financial statements, and other information submitted to the division by or at the request and direction of an applicant or licensee for the purpose of supporting a representation of financial responsibility:

(a) constitute protected records under Title 63G, Chapter 2, Government Records Access and Management Act; and

(b) notwithstanding Subsection (1)(a), may be considered by the commission in a public meeting, unless the owner of the information requests that the meeting be closed to the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, the records described in Subsection (1) are not open for public inspection and are not subject to discovery in civil or administrative proceedings.

Renumbered and Amended by Chapter 42, 2026 General Session
Amended by Chapter 238, 2016 General Session

Repealed 1/1/2027

58-55-308 Scope of practice -- Installation, repair, maintenance, or replacement of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered fence -- Rules.

(1)

(a) The commission, with the concurrence of the director, may adopt reasonable rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and limit the scope of practice and operating standards of the classifications and subclassifications licensed under this chapter in a manner consistent with established practice in the relevant industry.

(b) The commission and the director may limit the field and scope of operations of a licensee under this chapter in accordance with the rules and the public health, safety, and welfare, based on the licensee's education, training, experience, knowledge, and financial responsibility.

(2)

(a) The work and scope of practice covered by this Subsection (2) and Subsection (3) is the installation, repair, maintenance, cleaning, or replacement of a residential or commercial gas appliance or combustion system.

(b) The provisions of this Subsection (2) apply to any:

(i) licensee under this chapter whose license authorizes the licensee to perform the work described in Subsection (2)(a); and

(ii) person exempt from licensure under Section 58-55-305.

(c) Any person described in Subsection (2)(b) that performs work described in Subsection (2)(a):

(i) must first receive training and certification as specified in rules adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) shall ensure that any employee authorized under other provisions of this chapter to perform work described in Subsection (2)(a) has first received training and certification as specified in rules adopted by the division.

(d) The division may exempt from the training requirements adopted under Subsection (2)(c) a person that has adequate experience, as determined by the division.

(3) The division may exempt the following individuals from the certification requirements adopted under Subsection (2)(c):

(a) a person who has passed a test equivalent to the level of testing required by the division for certification, or has completed an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training; and

(b) a person working under the immediate one-to-one supervision of a certified natural gas technician or a person exempt from certification.

(4)

(a) The work and scope of practice covered by this Subsection (4) is the installation, repair, maintenance, or replacement of an automatic fire sprinkler system.

(b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for a business entity in accordance with Section 58-55-304, where the business entity seeks to perform the work described in Subsection (4)(a).

(c) Before a business entity described in Subsection (4)(b) may perform the work described in Subsection (4)(a), the qualifier for the business entity shall:

(i) be a licensed general building contractor; or

(ii) obtain a certification in fire sprinkler fitting from the division by providing evidence to the division that the qualifier has met the following requirements:

(A) completing a Department of Labor federally approved apprentice training program or completing two-years experience under the immediate supervision of a licensee who has obtained a certification in fire sprinkler fitting; and

(B) passing the Star fire sprinklerfitting mastery examination offered by the National Inspection Testing and Certification Corporation or an equivalent examination approved by the division.

(d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a business entity who has received training and experience equivalent to the requirements of Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5)

(a) The scope and practice of this Subsection (5) is the installation, repair, maintenance, or replacement of a battery-charged suspended-wire system or fence that:

(i) is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises;
(ii) is located on property that is not designated by a municipality or county for residential use;
(iii) has an energizer that is driven by a commercial storage battery that provides no more than 12 volts of direct current;
(iv) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission;
(v) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;
(vi) is not more than the higher of:
(A) two feet higher than the height of the nonelectric perimeter fence or wall; or
(B) 10 feet in height;
(vii) is marked with conspicuous warning signs that are located on the battery-charged suspended-wire system or fence at no more than 30-foot intervals and that read "WARNING -- ELECTRIC FENCE"; and
(viii) meets any rules related to battery-charged suspended-wire systems or fences adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) Before a business entity or person may perform the scope of work described in Subsection (5)(a), the business entity or person shall be a licensed alarm business or company or a licensed alarm company agent.
(6) This section does not prohibit a licensed specialty contractor from accepting and entering into a contract involving the use of two or more crafts or trades if the performance of the work in the crafts or trades, other than that in which the contractor is licensed, is incidental and supplemental to the work for which the contractor is licensed.

Repealed by Chapter 42, 2026 General Session
Amended by Chapter 446, 2022 General Session

Repealed 1/1/2027
58-55-308.1 Definitions -- Installation of natural gas facilities -- Scope of practice.
(1) As used in this section:
(a) "Gas corporation" is as defined in Section 54-2-1.
(b) "Minimum system" means the minimum natural gas facilities necessary to serve each intended consumer, as determined by a gas corporation.
(c)
(i) "Natural gas facilities" means:
(A) one or more natural gas mains;
(B) one or more natural gas service lines; or
(C) a combination of Subsections (1)(c)(i)(A) and (B); and
(ii) "Natural gas facilities" includes any necessary appurtenant facilities.
(d)
(i) "Natural gas main" means a natural gas distribution pipeline that delivers natural gas to another natural gas distribution supply line or to a natural gas service line.
(ii) "Natural gas main" does not include a natural gas service line.
(e) "Natural gas service line" means a natural gas pipeline that carries natural gas from a natural gas main to a meter for use by the ultimate consumer.
(f) "Natural gas tariff specifications" means the standards and specifications:
(i) for the construction of natural gas facilities; and

(ii) that are:
(A) established by a gas corporation; and
(B) included in the gas corporation's tariff that is approved by the Public Service Commission.
(g) "Qualifying installer" means a person who:
(i) a gas corporation approves to install natural gas facilities; and
(ii) is:
(A) licensed under this chapter; and
(B) authorized to install natural gas facilities within the person's scope of practice as established by statute or administrative rule.
(2) A qualifying installer may install natural gas facilities.
(3)
(a) Except as provided in Subsections (3)(b) and (c), a qualifying installer shall pay the costs to install natural gas facilities.
(b) A gas corporation shall pay the costs of the following services related to natural gas facilities installed by a qualifying installer:
(i) engineering;
(ii) inspection;
(iii) mapping; and
(iv) locating.
(c) If a gas corporation requires a qualifying installer to install natural gas facilities that are greater than the minimum system, the gas corporation shall pay any difference in cost between the required natural gas facilities and the minimum system.
(4) A gas corporation shall inspect and test natural gas facilities that a qualifying installer installs to verify that the natural gas facilities comply with applicable federal, state, and local law and natural gas tariff specifications.
(5) A gas corporation is not required to supply natural gas to or accept ownership of natural gas facilities until the gas corporation completes all necessary inspections and testing to verify that the natural gas facilities have been installed and tested in compliance with applicable federal, state, and local law and natural gas tariff specifications.

Repealed by Chapter 42, 2026 General Session
Enacted by Chapter 326, 2014 General Session

Renumbered 1/1/2027

58-55-310 Requirements when working for political subdivision or state agency.

Each political subdivision and agency of the state and each board of education which requires the issuance of a permit or license as a precondition to the construction, alteration, improvement, demolition, or other repairs for which a contractor's license is also required under this chapter shall:
(1) require that each applicant for a permit or license file a signed statement that the applicant has a current contractor's license with the license number included in the application;
(2) require that any representation of exemption from the contractor's licensing law be included in the signed statement and that if that exempt person, firm, corporation, association, or other organization intends to hire a contractor to perform any work under the permit or license, that the license number of that contractor be included in the application, but if a contractor has not been selected at the time of the application for a permit or license, the permit or license shall be issued only on the condition that a currently licensed contractor will be selected and that the license number of the contractor will be given to the issuing public body and displayed on the permit or license;

(3) require that, upon issuance of a permit or license, the contractor affix the contractor's license number to that permit or license for public display; and
(4) require the contractor to provide proof that the contractor provides workers' compensation insurance, pays into the unemployment insurance fund, provides health insurance as required under federal or state law, and withholds applicable taxes from worker pay.

Renumbered and Amended by Chapter 42, 2026 General Session
Amended by Chapter 57, 2013 General Session

Repealed 1/1/2027
58-55-311 Evidence of licensure.
An individual licensed as an alarm company agent shall:
(1) carry a copy of the individual's license on the individual's person at all times while acting as a licensee;
(2) display the license upon the request of a peace officer, a representative of the division, or a representative of a customer of the alarm company.

Repealed by Chapter 42, 2026 General Session
Renumbered and Amended by Chapter 317, 2000 General Session

Repealed 1/1/2027
58-55-312 Interim and temporary permits for alarm company agents.
(1) Upon receipt of a complete application for licensure in accordance with Section 58-55-302, an applicant for licensure as an alarm company agent may be issued:
  (a) an interim permit; or
  (b) subject to Subsection (3), a temporary permit.
(2)
  (a) Each interim permit shall expire 90 days after it is issued or on the date on which the applicant is issued a license, whichever is earlier.
  (b) The division may reissue an interim permit if the delay in approving a license is beyond the control or influence of the interim permit holder.
(3)
  (a) The division may issue a temporary permit to an applicant for a license as an alarm company agent if:
    (i) the division has received a background check on the applicant from the Bureau of Criminal Identification;
    (ii)
      (A) the applicant is or will be employed at a call center, office, or administrative facility of an alarm company; and
      (B) the applicant's only contact with a customer or potential customer of the alarm company is:
        (I) from the call center, office, or administrative facility; and
        (II) by telephone or other remote communication method; and
    (iii) the alarm company by which the applicant is or will be employed affirms in writing to the division that the applicant, if issued a temporary license, will act only within the scope of the temporary license, as provided in Subsection (3)(a)(ii).
  (b) A temporary license under this section expires the earliest of:
    (i) 90 days after it is issued;

(ii) the date on which the individual to whom the temporary license is issued leaves the employment of the alarm company that employs the individual at the time the temporary license is issued; and
(iii) the date on which the division issues a regular license to the applicant or denies the applicant's application.
(4) An interim permit holder may engage in the scope of an alarm company agent.

Repealed by Chapter 42, 2026 General Session
Amended by Chapter 387, 2010 General Session

Repealed 1/1/2027
58-55-313 Subcontractors.
(1) As used in this section:
(a) "First-tier subcontractor" means a subcontractor who contracts directly with the general contractor.
(b) "Public project" means the contract is with or authorized by a public entity as defined in Section 63G-6a-103.
(c) "Second-tier subcontractor" means a subcontractor that contracts with a subcontractor.
(d)
(i) "Subcontractor" means a person under contract with a general contractor or another subcontractor to provide services or labor for the construction, installation, or repair of an improvement to real property.
(ii) "Subcontractor" includes a trade contractor or specialty contractor.
(iii) "Subcontractor" includes a first-tier subcontractor and a second-tier subcontractor.
(iv) "Subcontractor" does not include a supplier that provides only materials, equipment, or supplies to a general contractor or subcontractor.
(e) "Zero estimated exposure policy" means the same as that term is defined in Section 31A-22-1017.
(2) Before engaging in a construction trade on a public project, a subcontractor shall:
(a) provide a list of current employees to the general contractor and the property owner for which the subcontractor engages in a construction trade;
(b) provide the general contractor and the property owner the second-tier subcontractor's name and the second-tier subcontractor's license number if the subcontractor intends to accept a contract with a second-tier subcontractor related to construction trade on a public project;
(c) if the subcontractor holds a zero estimated exposure policy, provide to a person that contracts with the subcontractor for construction trade on a public project:
(i) written notice that the subcontractor has a zero estimated exposure policy; and
(ii) a copy of the zero estimated exposure policy;
(d) ensure that each of the subcontractor's employees on the construction site possess photo identification and shall ensure that the identification will be presented to the division upon request; and
(e) provide to the general contractor and the property owner the estimated number of labor hours for their portion of the project.
(3) At the division's request, a subcontractor shall provide the following for each current employee of the subcontractor:
(a) the name of the employee;
(b) the last four digits of the social security number of the employee; and

(c) if the employee possesses a professional license, the professional license number of the employee.

(4)

(a) The general contractor and the property owner shall retain the information the subcontractor provides for three years from the day after the day on which the general contractor and the property owner receive the information from the subcontractor.

(b) The general contractor and the property owner shall provide the information the general contractor and the property owner receive from a subcontractor to the division at the division's request.

(5) The division may:

(a) make audit recommendations to the State Tax Commission; and

(b) provide information obtained in accordance with this section to the State Tax Commission.

Enacted by Chapter 198, 2026 General Session

Superseded 1/1/2027

Part 4
License Denial and Discipline

Effective 1/1/2027

Part 4
Plumbers

Superseded 1/1/2027

58-55-401 Grounds for denial of license and disciplinary proceedings.

(1) In accordance with Section 58-1-401, the division may:

(a) refuse to issue a license to an applicant;

(b) refuse to renew the license of a licensee;

(c) revoke the right of a licensee to recover from the Residence Lien Recovery Fund created by Section 38-11-201;

(d) revoke, suspend, restrict, or place on probation the license of a licensee;

(e) issue a public or private reprimand to a licensee; and

(f) issue a cease and desist order.

(2) In addition to an action taken under Subsection (1), the division may take an action described in Subsection 58-1-401(2) in relation to a license as a contractor, if:

(a) the applicant or licensee is an unincorporated entity; and

(b) an individual who holds an ownership interest in or is the qualifier under Section 58-55-304 of the applicant or licensee engages in:

(i) unlawful conduct as described in Section 58-55-501; or

(ii) unprofessional conduct as described in Section 58-55-502.

Amended by Chapter 339, 2020 General Session

Effective 1/1/2027

58-55-401 Definitions.

As used in this part:

(1) "Apprentice plumber" means an individual who is learning the plumbing trade.

(2) "Journeyman plumber" means an individual who engages in the plumbing trade.

(3) "Licensed plumber" means an individual licensed as an apprentice plumber, a journeyman plumber, a master plumber, a residential journeyman plumber, or a residential master plumber.

(4) "Master plumber" means an individual who plans and supervises projects in the plumbing trade.

(5)

(a) "Plumbing trade" means the performance of mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, pipes, fixtures, and fittings for the:

(i) delivery of the water supply;

(ii) discharge of liquid and water carried waste;

(iii) building drainage system within the walls of the building; and

(iv) delivery of gases for lighting, heating, and industrial purposes.

(b) "Plumbing trade" includes work relating to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, and related devices, appurtenances, and connections installed within the outside walls of the building.

(6) "Residential building" means a single-family or multi-family dwelling with up to four units.

(7) "Residential journeyman plumber" means an individual who engages in the plumbing trade exclusively in the plumbing of a residential building.

(8) "Residential master plumber" means an individual who plans and supervises the plumbing of a residential building.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-402 Investigation of regulated activity.

(1) The division shall be responsible for the investigation of persons and activities in violation of the provisions of this chapter.

(2)

(a) Investigation by the division shall include investigations of:

(i) licensees engaged in unlawful or unprofessional conduct; and

(ii) unlicensed persons engaged in the conduct of activity or work regulated under this chapter and for which a license is required.

(b)

(i) As used in this Subsection (2)(b), "sign contractor":

(A) means a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules; and

(B) does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.

(ii) The division shall maintain a record of the number of unlicensed persons found to have engaged each year in the conduct of activity or work regulated under this chapter for which a license as a sign contractor is required, including the location where a violation occurred.

(3) The division shall decline to proceed with investigation of the violation of any provisions of this chapter if the division finds there is no apparent material jeopardy to the public health, safety, and welfare.

(4) The division shall have no responsibility for the inspection of construction work performed in the state to determine compliance with applicable codes, or industry and workmanship standards, except as provided in Subsections 58-1-501(2)(a)(vii), 58-55-502(2), (3), and (4), and 58-55-501(16).
(5) Authorized representatives of the division shall be permitted to enter upon the premises or site of work regulated under this chapter for the purpose of determining compliance with the provisions of this chapter.

Amended by Chapter 195, 2011 General Session

Effective 1/1/2027
58-55-402 Plumber Education Fund.
(1) There is created an expendable special revenue fund known as the Plumber Education Fund.
(2) The fund consists of money from a surcharge, the division establishes in accordance with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement licensures for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman plumbers, and residential master plumbers.
(3)
  (a) The surcharge may not exceed $5.
  (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described in Section 58-55-106.
(4)
  (a) The fund shall earn interest.
  (b) The division shall deposit the interest into the fund.
(5) With the concurrence of the commission, the director may make distributions from the fund for the following purposes:
  (a) education and training of licensees described in Subsection (2); and
  (b) education and training of other individuals licensed under this chapter or the public about plumbing laws and practices.
(6) If the balance in the fund is more than $100,000 at the end of any fiscal year, the division shall transfer the amount that exceeds $100,000 to the General Fund.
(7) The division shall report annually to the General Government Appropriations Subcommittee on:
  (a) the balance in the fund; and
  (b) fund expenditures.

Repealed and Re-enacted by Chapter 42, 2026 General Session

58-55-403 Minimum time for division action.
The division has at least five working days after receiving an application for licensure to determine whether to issue a license under this chapter.

Amended by Chapter 233, 2000 General Session

Effective 1/1/2027
58-55-404 Qualifications for licensure.
(1) An applicant for a license under this section shall:
  (a) submit an application the division approves;
  (b) pay the fee the division determines in accordance with Section 63J-1-504; and

(c) pass the examination requirements this section and rules the commission makes with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishes.

(2) A master plumber applicant shall provide satisfactory evidence that the applicant:

(a) has two-years' supervisory experience as a licensed journeyman plumber in accordance with division rule;

(b) has received an associate of applied science degree or similar degree following completion of a course of study the division approves and has one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or

(c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) A master residential plumber applicant shall provide satisfactory evidence that the applicant:

(a) has two-years' supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or

(b) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) A journeyman plumber applicant shall provide satisfactory evidence that the applicant:

(a) completed at least four-years' full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber, in accordance with a training program the division approves;

(b) has at least eight-years' full-time experience the division approves in collaboration with the Electricians and Plumbers Licensing Board; or

(c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) A residential journeyman plumber applicant shall provide satisfactory evidence that the applicant:

(a) completed at least three-years' full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a training program the division approves;

(b) completed at least six-years' full-time experience in a maintenance or repair trade involving substantial plumbing work; or

(c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6)

(a) An apprentice plumber applicant shall identify to the division the proposed supervisor of the apprenticeship.

(b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:

(i) ensure the apprentice plumber works under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman plumber for the initial three-years' training;

(ii) allow the apprentice plumber, beginning in the fourth year of training, to work without supervision for up to eight hours in any 24-hour period; and

(iii) comply with rules the commission makes, with the concurrence of the director, under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentice plumbers to supervisor.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-405 Continuing education requirements for plumbers.

(1) During each two-year license term the division establishes by rule in accordance with Section 58-55-108, a licensed plumber shall complete 12 hours of continuing education.
(2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed plumbers.
(3) The division may contract with a person to establish and maintain a registry of continuing education that includes:
(a) an online application for a continuing education course provider to apply to the division for approval of the course as continuing education;
(b) a list of approved continuing education courses; and
(c) a list of courses that:
(i) a licensed plumber completes; and
(ii) the licensed plumber may access to monitor compliance with the continuing education requirement.
(4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to administer the requirements of this section.

Enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

Part 5
Unlawful and Unprofessional Conduct - Penalties

Effective 1/1/2027

Part 5
Miscellaneous Licenses

Superseded 1/1/2027

58-55-501 Unlawful conduct.

Unlawful conduct includes:

(1) engaging in a construction trade, acting as a contractor, an alarm business or company, or an alarm company agent, or representing oneself to be engaged in a construction trade or to be acting as a contractor in a construction trade requiring licensure, unless the person doing any of these is appropriately licensed or exempted from licensure under this chapter;
(2) acting in a construction trade, as an alarm business or company, or as an alarm company agent beyond the scope of the license held;
(3) hiring or employing a person who is not licensed under this chapter to perform work on a project, unless the person:

(a) is an employee of a person licensed under this chapter for wages; and
(b) is not required to be licensed under this chapter;
(4) applying for or obtaining a building permit either for oneself or another when not licensed or exempted from licensure as a contractor under this chapter;
(5) issuing a building permit to any person for whom there is no evidence of a current license or exemption from licensure as a contractor under this chapter;
(6) applying for or obtaining a building permit for the benefit of or on behalf of any other person who is required to be licensed under this chapter but who is not licensed or is otherwise not entitled to obtain or receive the benefit of the building permit;
(7) failing to obtain a building permit when required by law or rule;
(8) submitting a bid for any work for which a license is required under this chapter by a person not licensed or exempted from licensure as a contractor under this chapter;
(9) willfully or deliberately misrepresenting or omitting a material fact in connection with an application to obtain or renew a license under this chapter;
(10) allowing one's license to be used by another except as provided by statute or rule;
(11) doing business under a name other than the name appearing on the license, except as permitted by statute or rule;
(12) if licensed as a contractor in the electrical trade or plumbing trade, journeyman plumber, residential journeyman plumber, journeyman electrician, master electrician, or residential electrician, failing to directly supervise an apprentice under one's supervision or exceeding the number of apprentices one is allowed to have under the contractor's supervision;
(13) if licensed as a contractor or representing oneself to be a contractor, receiving any funds in payment for a specific project from an owner or any other person, which funds are to pay for work performed or materials and services furnished for that specific project, and after receiving the funds to exercise unauthorized control over the funds by failing to pay the full amounts due and payable to persons who performed work or furnished materials or services within a reasonable period of time;
(14) employing an unlicensed alarm business or company or an unlicensed individual as an alarm company agent, except as permitted under the exemption from licensure provisions under Section 58-1-307;
(15) if licensed as an alarm company or alarm company agent, filing with the division fingerprint cards for an applicant which are not those of the applicant, or are in any other way false or fraudulent and intended to mislead the division in its consideration of the applicant for licensure;
(16) if licensed under this chapter, willfully or deliberately disregarding or violating:
(a) the building or construction laws of this state or any political subdivision;
(b) the safety and labor laws applicable to a project;
(c) any provision of the health laws applicable to a project;
(d) the workers' compensation insurance laws of the state applicable to a project;
(e) the laws governing withholdings for employee state and federal income taxes, unemployment taxes, Social Security payroll taxes, or other required withholdings; or
(f) reporting, notification, and filing laws of this state or the federal government;
(17) engaging in the construction trade or as a contractor for the construction of residences of up to two units when not currently registered or exempt from registration as a qualified beneficiary under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
(18) failing, as an original contractor, as defined in Section 38-11-102, to include in a written contract the notification required in Section 38-11-108;
(19) wrongfully filing a preconstruction or construction lien in violation of Section 38-1a-308;

(20) if licensed as a contractor, not completing the approved continuing education required under Section 58-55-302.5;
(21) an alarm company allowing an employee with a temporary license under Section 58-55-312 to engage in conduct on behalf of the company outside the scope of the temporary license, as provided in Subsection 58-55-312(3)(a)(ii);
(22) an alarm company agent under a temporary license under Section 58-55-312 engaging in conduct outside the scope of the temporary license, as provided in Subsection 58-55-312(3)(a)(ii);
(23)
(a) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in Utah while not lawfully present in the United States; or
(b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah while not lawfully present in the United States;
(24) an unincorporated entity failing to provide the following for an individual who engages, or will engage, in a construction trade in Utah for the unincorporated entity, or for an individual who engages, or will engage, in a construction trade in Utah for a separate entity for which the unincorporated entity provides the individual as labor:
(a) workers' compensation coverage:
(i) to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; or
(ii) that would be required under the chapters listed in Subsection (24)(a)(i) if the unincorporated entity were licensed under this chapter; and
(b) unemployment compensation in accordance with Title 35A, Chapter 4, Employment Security Act, for an individual who owns, directly or indirectly, less than an 8% interest in the unincorporated entity, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(25) the failure of a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, to:
(a) display the contractor's license number prominently on a vehicle that:
(i) the contractor uses; and
(ii) displays the contractor's business name; or
(b) carry a copy of the contractor's license in any other vehicle that the contractor uses at a job site, whether or not the vehicle is owned by the contractor;
(26)
(a) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in the state while the individual is using a Social Security number that does not belong to that individual; or
(b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual, who owns an interest in the unincorporated entity, to engage in a construction trade in the state while the individual is using a Social Security number that does not belong to that individual;
(27) a contractor failing to comply with a requirement imposed by a political subdivision, state agency, or board of education under Section 58-55-310; or
(28) failing to timely comply with the requirements described in Section 58-55-605.

Amended by Chapter 339, 2020 General Session

Effective 1/1/2027

58-55-501 Definitions.

As used in this part:

(1) "Automatic fire sprinkler system" means a fire suppression system designed to detect and automatically discharge an agent, a foam, or water over a fire.

(2) "Commercial construction project" means a construction, alteration, repair, demolition, or excavation project that does not involve:

(a) single-family detached housing;

(b) multi-family attached housing up to and including a fourplex; or

(c) construction of a non-residential project that is fewer than two stories above ground.

(3)

(a) "Crane" means a power-operated hoisting machine used in construction, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally by the rotation of the machine on a carrier.

(b) "Crane" does not include a fork lift, a digger derrick truck, an aircraft, a bucket truck, a knuckle boom, a side boom, or a mechanic's truck.

(4) "Crane operator" means an individual who operates a crane.

(5)

(a) "Elevator" means the same as that term is defined in Section 34A-7-202;

(b) "Elevator" does not include:

(i) a stair chair;

(ii) an incline platform lift; or

(iii) a vertical platform lift.

(6) "Elevator mechanic" means an individual who erects, constructs, installs, alters, services, repairs, or maintains an elevator under the immediate supervision of an elevator contractor.

(7) "Elevator work" means constructing, maintaining, servicing, or repairing an elevator.

(8) "Fire sprinkler contractor" means a contractor that installs, repairs, maintains, or replaces an automatic fire sprinkler system.

(9) "Gas corporation" means the same as that term is defined in Section 54-2-1.

(10) "Minimum system" means the minimum natural gas facilities necessary to serve each intended consumer, as determined by a gas corporation.

(11)

(a) "Natural gas facility" means:

(i) one or more natural gas mains;

(ii) one or more natural gas service lines; or

(iii) a combination of Subsections (11)(a)(i) and (ii).

(b) "Natural gas facility" includes any necessary appurtenant facilities.

(12)

(a) "Natural gas main" means a natural gas distribution pipeline that delivers natural gas to another natural gas distribution supply line or to a natural gas service line.

(b) "Natural gas main" does not include a natural gas service line.

(13) "Natural gas service line" means a natural gas pipeline that carries natural gas from a natural gas main to a meter for use by the final consumer.

(14) "Natural gas tariff specifications" means the standards and specifications:

(a) for the construction of natural gas facilities; and

(b) that are:

(i) established by a gas corporation; and

(ii) included in the gas corporation's tariff that is approved by the Public Service Commission.
(15) "Qualifying installer" means a person that:
(a) a gas corporation approves to install natural gas facilities; and
(b) is licensed in accordance with Section 58-55-503.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027
58-55-502 Unprofessional conduct.
Unprofessional conduct includes:
(1) failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter;
(2) disregarding or violating through gross negligence or a pattern of negligence:
(a) the building or construction laws of this state or any political subdivision;
(b) the safety and labor laws applicable to a project;
(c) any provision of the health laws applicable to a project;
(d) the workers' compensation insurance laws of this state applicable to a project;
(e) the laws governing withholdings for employee state and federal income taxes, unemployment taxes, Social Security payroll taxes, or other required withholdings; or
(f) any reporting, notification, and filing laws of this state or the federal government;
(3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a licensee's direction which causes material injury to another;
(4) contract violations that pose a threat or potential threat to the public health, safety, and welfare including:
(a) willful, deliberate, or grossly negligent departure from or disregard for plans or specifications, or abandonment or failure to complete a project without the consent of the owner or the owner's duly authorized representative or the consent of any other person entitled to have the particular project completed in accordance with the plans, specifications, and contract terms;
(b) failure to deposit funds to the benefit of an employee as required under any written contractual obligation the licensee has to the employee;
(c) failure to maintain in full force and effect any health insurance benefit to an employee that was extended as a part of any written contractual obligation or representation by the licensee, unless the employee is given written notice of the licensee's intent to cancel or reduce the insurance benefit at least 45 days before the effective date of the cancellation or reduction;
(d) failure to reimburse the Residence Lien Recovery Fund as required by Section 38-11-207;
(e) failure to provide, when applicable, the information required by Section 38-11-108; and
(f) willfully or deliberately misrepresenting or omitting a material fact in connection with an application to claim recovery from the Residence Lien Recovery Fund under Section 38-11-204;
(5) failing as an alarm company to notify the division of the cessation of performance of the alarm company's qualifying agent, or failing to replace the alarm company's qualifying agent as required under Section 58-55-304;
(6) failing as an alarm company agent to carry or display a copy of the licensee's license as required under Section 58-55-311;
(7) failing to comply with operating standards established by rule in accordance with Section 58-55-308;

(8) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in Utah while not lawfully present in the United States;
(9) an unincorporated entity failing to provide the following for an individual who engages, or will engage, in a construction trade in Utah for the unincorporated entity:
(a) workers' compensation coverage to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and
(b) unemployment compensation in accordance with Title 35A, Chapter 4, Employment Security Act, for an individual who owns, directly or indirectly, less than an 8% interest in the unincorporated entity, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(10) the failure of an alarm company or alarm company agent to inform a potential customer, before the customer's purchase of an alarm system or alarm service from the alarm company, of the policy of the county, city, or town within which the customer resides relating to priority levels for responding to an alarm signal transmitted by the alarm system that the alarm company provides the customer;
(11) failing to continuously maintain insurance and registration as required under Subsection 58-55-302(2); or
(12) failing to comply with Section 58-55-313.

Amended by Chapter 198, 2026 General Session

Effective 1/1/2027
58-55-502 General provisions.
(1)
(a) The commission, with the concurrence of the director, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(i) define and limit the scope of practice for licenses issued under this part; and
(ii) establish operating standards consistent with practices in the relevant industry.
(b) The commission, with the concurrence of the director, may limit the field and scope of operations of a licensee under this chapter based on:
(i) rules the commission makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(ii) considerations of the public health, safety, and welfare, including the licensees' education, training, experience, knowledge, and financial responsibility in accordance with Section 58-55-205.
(2) This part does not prohibit a specialty contractor as defined in Section 58-55-202, that is licensed in accordance with Part 2, Contractors, from entering into a contract involving two or more construction trades if the contracted construction trade is incidental to the construction trade for which the contractor is licensed.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027
58-55-503 Penalty for unlawful conduct -- Citations.
(1) As used in this section:

(a) "Person" means, in reference to Subsection 58-55-504(2), an individual, and does not include a sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
(b) "Qualifying violation" means a violation under:
(i) Subsection 58-55-308(2);
(ii) Subsections 58-55-501(1) through (3), (7), (9), (10), (12), (14), (16)(e), (18), or (20) through (28);
(iii) Subsection 58-55-502(4)(a) or (11); or
(iv) Subsection 58-55-504(2).
(2)
(a) A person who violates Subsection 58-55-501(1) through (7), (9), (10), (12), (14), (15), (16)(e), or (21) through (28), Subsection 58-55-308(2), or Subsection 58-55-504(2), or who fails to comply with a citation issued under this section after the citation is final, is guilty of a class A misdemeanor.
(b) A person who violates the provisions of Subsection 58-55-501(8) may not be awarded and may not accept a contract for the performance of the work.
(3) A person who violates Subsection 58-55-501(13) is guilty of:
(a) an infraction; or
(b) if the violator did so with the intent to deprive the person to whom money is to be paid of the money received, of theft under Section 76-6-404.
(4) Grounds for immediate suspension of a licensee's license by the division and the commission include:
(a) the issuance of a citation for violation of Subsection 58-55-308(2), Section 58-55-501, or Subsection 58-55-504(2); and
(b) the failure by a licensee to make application to, report to, or notify the division with respect to any matter for which application, notification, or reporting is required under this chapter or rules adopted under this chapter, including:
(i) applying to the division for a new license to engage in a new specialty classification or to do business under a new form of organization or business structure;
(ii) filing a current financial statement with the division; and
(iii) notifying the division concerning loss of insurance coverage or change in qualifier.
(5)
(a)
(i) If upon inspection or investigation, the division concludes that a person has committed a qualifying violation or violated any rule or order issued with respect to a qualifying violation, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
(A) promptly issue a citation to the person according to this chapter and any pertinent rules;
(B) attempt to negotiate a stipulated settlement; or
(C) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(ii) A person who committed a qualifying violation, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine and may, in addition to or in lieu of, be ordered to cease and desist from engaging in the qualifying violation.
(iii) Except for a cease and desist order, the licensure sanctions cited in Section 58-55-401 may not be assessed through a citation.
(b) A citation shall:

(i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
(ii) clearly state that the recipient must notify the division in writing within 20 calendar days after the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
(iii) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
(c) A citation issued under this section, or a copy of a citation, may be served upon a person upon whom a summons may be served:
(i) in accordance with the Utah Rules of Civil Procedure;
(ii) personally or upon the person's agent by a division investigator or by a person specially designated by the director; or
(iii) by mail.
(d)
(i) If within 20 calendar days after the day on which a citation is served, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
(ii) The period to contest a citation may be extended by the division for cause.
(e) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.
(f) The failure of an applicant for licensure to comply with a citation after the citation becomes final is a ground for denial of license.
(g) A citation may not be issued under this section after the expiration of one year after the date on which the violation that is the subject of the citation is reported to the division.
(h)
(i) Except as provided in Subsections (5)(h)(ii) and (6), the director or the director's designee shall assess a fine in accordance with the following:
(A) for a first offense handled under Subsection (5)(a), a fine of up to $1,000;
(B) for a second offense handled under Subsection (5)(a), a fine of up to $2,000; and
(C) for any subsequent offense handled under Subsection (5)(a), a fine of up to $2,000 for each day of continued offense.
(ii) Except as provided in Subsection (6), if a person violates Subsection 58-55-501(16)(e) or (28), the director or the director's designee shall assess a fine in accordance with the following:
(A) for a first offense handled under Subsection (5)(a), a fine of up to $2,000;
(B) for a second offense handled under Subsection (5)(a), a fine of up to $4,000; and
(C) for any subsequent offense handled under Subsection (5)(a), a fine of up to $4,000 for each day of continued offense.
(i)
(i) For purposes of issuing a final order under this section and assessing a fine under Subsection (5)(h), an offense constitutes a second or subsequent offense if:
(A) the division previously issued a final order determining that a person committed a first or second qualifying violation; or
(B)
(I) the division initiated an action for a first or second offense;
(II) a final order has not been issued by the division in the action initiated under Subsection (5)(i)(i)(B)(I);

(III) the division determines during an investigation that occurred after the initiation of the action under Subsection (5)(i)(i)(B)(I) that the person committed a second or subsequent qualifying violation; and

(IV) after determining that the person committed a second or subsequent qualifying violation under Subsection (5)(i)(i)(B)(III), the division issues a final order on the action initiated under Subsection (5)(i)(i)(B)(I).

(ii) In issuing a final order for a second or subsequent offense under Subsection (5)(i)(i), the division shall comply with the requirements of this section.

(j) In addition to any other licensure sanction or fine imposed under this section, the division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24) two or more times within a 12-month period, unless, with respect to a violation of Subsection 58-55-501(23), the licensee can demonstrate that the licensee successfully verified the federal legal working status of the individual who was the subject of the violation using a status verification system, as defined in Section 13-47-102.

(k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24) for each individual is considered a separate violation.

(6) If a person violates Section 58-55-501, the division may not treat the violation as a subsequent violation of a previous violation if the violation occurs five years or more after the day on which the person committed the previous violation.

(7) If, after an investigation, the division determines that a person has committed multiple of the same type of violation of Section 58-55-501, the division may treat each violation as a separate violation of Section 58-55-501 and apply a penalty under this section to each violation.

(8)

(a) A penalty imposed by the director under Subsection (5) shall be deposited into the Commerce Service Account created by Section 13-1-2.

(b) A penalty that is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(d) In an action brought to collect a penalty, the court shall award reasonable attorney fees and costs to the prevailing party.

Amended by Chapter 226, 2024 General Session

Effective 1/1/2027

58-55-503 Gas appliances and combustion systems.

(1)

(a) This section applies to:

(i) an individual whose license authorizes the installation, repair, maintenance, cleaning, or replacement of a residential or a commercial gas appliance or a combustion system; and

(ii) a person exempt from licensure under Section 58-55-110.

(b) A person described in Subsection (1)(a) shall:

(i) first receive training and certification in accordance with rules the commission makes with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) ensure that an employee performing work described in Subsection (1)(a)(i) first receives training and certification as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The division may exempt an individual from the training requirements described in Subsection (1)(b) if the division determines the individual has adequate experience.

(3) The division may exempt an individual from the certification requirements described in Subsection (1)(b) who:

(a)

(i) passes a test equivalent to the level of testing the division requires for certification; or

(ii) completes an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training; and

(b) works under the immediate one-to-one supervision of a certified natural gas technician or a person exempt from certification.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-504 Crane operators -- Required certification -- Penalty for violation.

(1) As used in this section:

(a) "Commercial construction projects" means construction, alteration, repair, demolition, or excavation projects that do not involve:

(i) single family detached housing;

(ii) multifamily attached housing up to and including a fourplex; or

(iii) commercial construction of not more than two stories above ground.

(b)

(i) "Crane operator" means an individual engaged in operating a crane, which for purposes of this section is a power-operated hoisting machine used in construction, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally by the rotation of the machine on a carrier.

(ii) It does not include operating a fork lift, digger derrick truck, aircraft, bucket truck, knuckle boom, side boom, mechanic's truck, or a vehicle or machine not using a power-operated winch and load-line.

(2)

(a) In order to operate a crane on commercial construction projects, an individual shall be certified as a crane operator by the National Commission for the Certification of Crane Operators or any other organization determined by the division to offer an equivalent testing and certification program that meets the requirements of the American Society of Mechanical Engineers ASME B 30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

(b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

(3) An individual engaged in construction or operation incidental to petroleum refining or electrical utility construction or maintenance is exempt from the crane operator certification requirement of Subsection (2)(a).

Amended by Chapter 98, 2007 General Session

Effective 1/1/2027

58-55-504 Crane operators.

(1) To operate a crane on a commercial construction project, an individual shall obtain certification as a crane operator from:
(a) the National Commission for the Certification of Crane Operators; or
(b) another organization the division determines offers an equivalent testing and certification program that complies with:
(i) the requirements of the American Society of Mechanical Engineers ASME B30.5; and
(ii) the accreditation requirements of the National Commission for Certifying Agencies.
(2) An individual engaged in construction or operation incidental to petroleum refining, or to electrical utility construction or maintenance, is exempt from the certification requirement.

Amended by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-505 Automatic fire sprinkler contractor.
(1) A fire sprinkler contractor shall have a qualifier that meets the requirements described in Section 58-55-107 and in Subsection (2).
(2) The qualifier for a fire sprinkler contractor shall:
(a) be a qualifier for a licensed general building contractor; or
(b) submit evidence to the division of:
(i) completing a United States Department of Labor federally approved apprentice training program, or two-years' experience supervised by a certified fire sprinkler contractor;
(ii) passing the STAR Fire Sprinklerfitting Mastery Examination offered by the National Inspection Testing and Certification Corporation or an equivalent examination the division approves; or
(iii) demonstrating to the division the equivalent training and experience, as the division determines by rules made with the director's concurrence and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-506 Elevator mechanic qualifications for licensure.
(1) An applicant for licensure as an elevator mechanic shall:
(a) provide documentation showing at least three-years' work experience in the elevator industry, in construction, maintenance, or service and repair;
(b) pass a written examination that the division administers by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(c) provide a certificate of completion from an elevator mechanic apprenticeship program that:
(i) meets standards substantially equal to those in this chapter; and
(ii) is registered with the United States Department of Labor Bureau of Apprenticeship and Training or a state apprenticeship council.
(2)
(a) If a licensed elevator contractor cannot find a licensed elevator mechanic to perform elevator work, the contractor shall notify the division about the shortage of licensed personnel.
(b) A licensed elevator contractor shall request that the division issue a temporary elevator mechanic license to an individual whom the contractor certifies has an acceptable combination of documented experience and education to perform elevator work.

(c) If a licensed elevator contractor requests a temporary elevator mechanic license under Subsection (2)(b), the division may issue the temporary license to the individual the licensed elevator contractor certifies if the individual:
(i) applies to the division; and
(ii) pays the fee the division determines in accordance with Section 63J-1-504.
(d) The division shall specify the time period for which the temporary license is valid.
(e) The division may renew a temporary elevator mechanic license if the division determines that a shortage of licensed elevator mechanics continues.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-507 Elevator mechanic continuing education requirements.
(1) During each two-year license term the division establishes by rule in accordance with Section 58-55-108, a licensed elevator mechanic shall complete eight hours of continuing education.
(2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed elevator mechanics.
(3) The division may contract with a person to establish and maintain a registry of continuing education that includes:
(a) a list of approved continuing education; and
(b) a list of courses that:
(i) a licensed elevator mechanic completes; and
(ii) the licensed elevator mechanic may access to monitor compliance with the continuing education requirement.
(4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to administer this section.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-508 Qualifying installer -- Natural gas facilities.
(1)
(a) Except as provided in Subsections (1)(b) and (c), a qualifying installer shall pay the costs to install natural gas facilities.
(b) A gas corporation shall pay the engineering, inspecting, mapping, and locating costs of natural gas facilities that a qualifying installer installs.
(c) If a gas corporation requires a qualifying installer to install natural gas facilities that are greater than the minimum system, the gas corporation shall pay the difference in cost between the required natural gas facilities and the minimum system.
(2) A gas corporation shall verify through inspection and testing that natural gas facilities that a qualifying installer installs comply with applicable federal, state, and local law and natural gas tariff specifications.
(3) A gas corporation is not required to supply natural gas to or accept ownership of natural gas facilities until the gas corporation completes any necessary inspection to verify that the natural gas facilities are installed and tested in compliance with applicable federal, state, and local law and natural gas tariff specifications.

Enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

Part 6
Payment Provisions

Effective 1/1/2027

Part 6
Unlawful And Unprofessional Conduct

Superseded 1/1/2027

58-55-601 Payment -- Account designated.

When making any payment to a materialman, supplier, contractor, or subcontractor with whom a contractor has a running account, or with whom the contractor has more than one contract, or to whom the contractor is otherwise indebted, the contractor shall designate the contract under which the payment is made or the items of account to which it is to be applied. When a payment for materials or labor is made to a subcontractor or materialman, the subcontractor or materialman shall demand of the person making the payment a designation of the account and the items of account to which the payment is to apply. In cases where a lien is claimed for materials furnished or labor performed by a subcontractor or materialman, it is a defense to the claim that a payment was made by the owner to the contractor for the materials and was so designated and paid over to the subcontractor or materialman, if when the payment was received by the subcontractor or materialman, the subcontractor or materialman did not demand a designation of the account and of the items of account to which the payment was to be applied.

Amended by Chapter 302, 2025 General Session

Effective 1/1/2027

58-55-601 Unlawful conduct.

A person engages in unlawful conduct if the person:

(1) engages in a construction trade, acts as a contractor, or represents that the person engages in a construction trade or acts as a contractor in a trade requiring licensure without holding a license or qualifying for an exemption under this chapter;
(2) acts in a construction trade beyond the scope of the license the person holds;
(3) hires or employs an unlicensed person to perform work that requires a license, unless that person is an employee of a licensed person, paid wages, and is not otherwise required to hold a license;
(4) applies for or obtains a building permit without holding a license or qualifying for an exemption under this chapter;
(5) issues a building permit to a person that does not provide evidence of a current license or exemption;
(6) applies for or obtains a building permit to benefit or assist a person that must hold a license under this chapter but does not hold one or does not otherwise qualify;
(7) fails to obtain a building permit when required by law or rule;
(8) submits a bid for work requiring a license without holding a license or qualifying for an exemption;

(9) willfully or deliberately misrepresents or omits a material fact when applying to obtain or renew a license;
(10) allows another person to use the person's license, except as permitted by statute or rule;
(11) does business under a name other than the name on the license, unless statute or rule allows otherwise;
(12) fails to directly supervise an apprentice electrician or an apprentice plumber or exceeds the permitted number of apprentices to supervisor;
(13) as a contractor, receives funds from a person to pay for work performed or materials and services provided for a specific project, and after receiving the funds, fails to pay all amounts due to those who performed the work or provided materials or services within a reasonable time;
(14) willfully or deliberately disregards or violates:
(a) state or local building or construction laws;
(b) safety and labor laws applicable to a project;
(c) health laws applicable to a project;
(d) workers' compensation insurance laws;
(e) laws governing employee income tax, unemployment tax, Social Security tax, or other required withholdings; or
(f) state or federal reporting, notification, and filing laws;
(15) engages in residential construction of up to two units without registering as a qualified beneficiary or obtaining an exemption under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
(16) as an original contractor, as defined in Section 38-11-102, fails to include the notice required under Section 38-11-108 in a written contract;
(17) wrongfully files a preconstruction or construction lien in violation of Section 38-1a-308;
(18) as a contractor, fails to complete required continuing education under this chapter;
(19) as an unincorporated entity licensed under this chapter:
(a) allows an interest owner to engage in a construction trade in the state while not lawfully present in the United States; or
(b) provides labor to another licensed entity by supplying an interest owner to engage in a construction trade in the state while not lawfully present in the United States;
(20) as an unincorporated entity, fails to provide for an individual who engages or will engage in a construction trade in the state:
(a) workers' compensation coverage as required under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act, or as would be required if licensed under this chapter; or
(b) unemployment compensation under Title 35A, Chapter 4, Employment Security Act, for an individual who owns less than an 8% interest in the entity, as defined by rule;
(21) as an unincorporated entity:
(a) allows an owner to engage in a construction trade using a social security number that does not belong to that individual; or
(b) provides labor to another licensed entity by supplying an individual who uses a social security number that does not belong to that individual;
(22) as a sign installation contractor or nonelectrical outdoor advertising sign contractor, as described by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, fails to:
(a) prominently display the contractor's business name and license number on a vehicle used for business; or

(b) carry a copy of the contractor's license in any vehicle used at a job site;
(23) as a contractor, fails to comply with requirements a political subdivision, state agency, or board of education imposes in accordance with Section 58-55-206;
(24) as a contractor, fails to comply in a timely manner with requirements described in Section 58-55-211;
(25) engages in the installation, repair, maintenance, cleaning, or replacement of a residential or a commercial gas appliance or a combustion system without the certification described in Section 58-55-503, or allows an employee to do so; or
(26) operates a crane without the certification described in Section 58-55-504.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027
58-55-602 Payment of construction funds -- Interest.
(1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
(2) On projects involving multiple buildings, each building shall be considered individually in determining the amount to be paid the contractor.
(3) Partial occupancy of a building requires payment in direct proportion to the value of the part of the building occupied.
(4) If any payment is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

Effective 1/1/2027
58-55-602 Penalty for unlawful conduct.
(1)
(a) An individual commits a class A misdemeanor by violating:
(i) Section 58-55-503;
(ii) Section 58-55-504;
(iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21) through (24); or
(iv) failing to comply with a citation issued under this chapter.
(b) An individual who violates Subsection 58-55-601(8) may not receive or accept a contract to perform work or act as a qualifier.
(2)
(a) An individual commits an infraction by violating Subsection 58-55-601(13).
(b) An individual commits theft under Section 76-6-404 if the individual violates Subsection 58-55-601(13) and intends to deprive the payee of money owed.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027
58-55-603 Payment to subcontractors and suppliers.
(1) When a contractor receives any construction funds from an owner or another contractor for work performed and billed, the contractor receiving funds shall pay each of that contractor's subcontractors and suppliers in proportion to the percentage of the work they performed under that billing, unless otherwise agreed by contract.

(2) If, under this section and without reasonable cause, or unless otherwise agreed by contract, the contractor fails to pay for work performed by subcontractors or suppliers within 30 consecutive days after receiving construction funds from the owner or another contractor for work performed and billed, or after the last day payment is due under the terms of the billing, whichever is later, the contractor receiving funds shall pay to the subcontractor or supplier, in addition to the payment, interest in the amount of 1% per month of the amount due, beginning on the day after payment is due, and reasonable costs of any collection and attorney fees.
(3) When a subcontractor receives any construction payment under this section, Subsections (1) and (2) apply to that subcontractor.

Amended by Chapter 302, 2025 General Session

Effective 1/1/2027

58-55-603 Unprofessional conduct.

A person engages in unprofessional conduct if the person:
(1) fails to establish, maintain, or demonstrate financial responsibility in accordance with Section 58-55-205, while holding a contractor license under Part 2, Contractors;
(2) disregards or violates, through gross negligence or a pattern of negligence:
  (a) state or local building or construction laws;
  (b) safety and labor laws applicable to a project;
  (c) health laws applicable to a project;
  (d) workers' compensation insurance laws applicable to a project;
  (e) laws governing employee state and federal income tax withholdings, unemployment tax, Social Security payroll tax, or other required withholdings; or
  (f) state or federal reporting, notification, and filing laws;
(3) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to another person;
(4) commits a contract violation that threatens or potentially threatens the public health, safety, or welfare, including when the person:
  (a) willfully, deliberately, or with gross negligence disregards plans or specifications, abandons a project, or fails to complete a project without obtaining consent from the owner, the owner's authorized representative, or any other person entitled to completion under the contract;
  (b) fails to deposit funds for the benefit of an employee;
  (c) fails to maintain health insurance benefits required by a written contract, unless the person provides the employee with written notice at least 45 days before canceling or reducing a health insurance benefit;
  (d) fails to reimburse the Residence Lien Recovery Fund as required under Section 38-11-207;
  (e) fails to provide information required under Section 38-11-108; or
  (f) willfully or deliberately misrepresents or omits a material fact when applying to claim recovery from the Residence Lien Recovery Fund under Section 38-11-204;
(5) fails to comply with operating standards described in Section 58-55-502;
(6) as an unincorporated entity, fails to provide workers' compensation coverage as required under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, for an individual who engages or will engage in a construction trade in this state for the entity;
(7) fails to continuously maintain insurance and registration as required under Section 58-55-204; or
(8) fails to comply with Section 58-55-107.

(9) fails to comply with Section 58-55-213.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-604 Proof of licensure to maintain or commence action.

A contractor or alarm business or company may not act as agent or commence or maintain any action in any court of the state for collection of compensation for performing any act for which a license is required by this chapter without alleging and proving that the licensed contractor or alarm business or company was appropriately licensed when the contract sued upon was entered into, and when the alleged cause of action arose.

Amended by Chapter 377, 2008 General Session

Effective 1/1/2027

58-55-604 Citations -- Fines -- License suspension-- License revocation.

(1) As used in this section, "qualifying violation" means a violation of:
  (a) Section 58-55-503;
  (b) Section 58-55-504;
  (c) Subsections 58-55-601(1) through (3), (7), (9), (10), (12), (14)(e), and (16), or Subsection 58-55-601(18) through (24); or
  (d) Subsection 58-55-602(4) or (6).

(2)
  (a) If an investigation shows a person committed a qualifying violation, or violated a division rule or order related to a qualifying violation, the division shall:
    (i) issue a citation;
    (ii) attempt a stipulated settlement; or
    (iii) require the person to appear in an adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
  (b) The division may assess a fine and issue a cease-and-desist order based on:
    (i) an uncontested citation;
    (ii) a stipulated settlement; or
    (iii) a violation finding in an adjudicative proceeding regarding a qualifying violation.

(3)
  (a) Each citation shall:
    (i) be in writing;
    (ii) describe the qualifying violation with specific reference to statute, rule, or order;
    (iii) instruct the recipient to request a hearing in writing within 20 calendar days after the day on which the division issues the citation if the recipient contests; and
    (iv) state the consequences of failing to contest or pay fines.
  (b) The division may serve the citation:
    (i) according to the Utah Rules of Civil Procedure;
    (ii) in person or through an agent; or
    (iii) by mail.
  (c) If the recipient does not request a hearing within 20 calendar days after the day on which the citation is issued, the citation becomes a final division order.
  (d) The division may extend the 20 calendar day period for cause.

(4)

(a) The division may deny, suspend, revoke, place on probation, or refuse to issue or renew the license of a person that does not comply with a final citation.
(b) The division shall issue a citation within one year of the reported qualifying violation.
(5) The director or the director's designee shall assess fines as follows:
(a) except as provided in Subsection (5)(b), for a qualifying violation:
(i) for a first offense, up to $1,000;
(ii) for a second offense, up to $2,000; and
(iii) for an additional qualifying violation, other than a violation described in Subsection 58-55-601(14)(e) or (24), up to $2,000 per day of continued offense; and
(b) for a violation of Subsection 58-55-601(14)(e) or (24):
(i) for a first offense, up to $2,000;
(ii) for a second offense, up to $4,000; and
(iii) for an additional violation of Subsection 58-55-601(14)(e) or (24), up to $4,000 per day of continued qualifying violation.
(6)
(a) Except as provided in Subsection (8), the division shall consider a qualifying violation a second or additional offense if:
(i) a prior final order established a qualifying violation; or
(ii) the division initiated an action for an earlier offense and finds a second qualifying violation during a new investigation before resolving the initial case.
(b) The division shall follow this section when issuing final orders for repeated qualifying violations.
(7)
(a) The division shall revoke a license if the licensee violates Subsection 58-55-601(19) or (20) two or more times in a 12-month period.
(b) The division may exempt a licensee from revocation under Subsection 58-55-601(19) if the licensee proves the licensee verified the individual's federal work status using a status verification system under Section 13-47-102.
(c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a different individual counts as a separate qualifying violation.
(8) If five or more years pass between qualifying violations, the division may not treat a new qualifying violation as a second or additional qualifying violation.
(9) The division may treat each instance of the same type of qualifying violation under Section 58-55-601 as a separate offense and may impose a separate penalty for each.
(10) The division and commission may suspend a license if:
(a) the licensee receives a citation for violating:
(i) Section 58-55-503;
(ii) Section 58-55-504; or
(iii) Section 58-55-601; or
(b) the licensee fails to:
(i) apply for a new license for a new business structure;
(ii) maintain or demonstrate financial responsibility in accordance with Section 58-55-205, while holding a contractor license under Part 2, Contractors; or
(iii) notify the division of insurance loss or change in qualifier.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Superseded 1/1/2027

58-55-605 Pay statement required.

(1) On the day on which a person licensed under this chapter pays an individual for work that the individual performed, the person shall give the individual a written or electronic pay statement that states:
  (a) the individual's name;
  (b) the individual's base rate of pay;
  (c) the dates of the pay period for which the individual is being paid;
  (d) if paid hourly, the number of hours the individual worked during the pay period;
  (e) the amount of and reason for any money withheld in accordance with state or federal law, including:
    (i) state and federal income tax;
    (ii) Social Security tax;
    (iii) Medicare tax; and
    (iv) court-ordered withholdings; and
  (f) the total amount paid to the individual for that pay period.

(2) A person licensed under this chapter shall:
  (a) comply with the requirements described in Subsection (1) regardless of whether the licensee pays the individual by check, cash, or other means;
  (b) retain a copy of each pay statement described in Subsection (1) for at least three years after the day on which the person gives a copy of the pay statement to the individual; and
  (c) upon request, make the pay statement records described in this section available to the division for inspection.

Enacted by Chapter 188, 2014 General Session

Effective 1/1/2027

58-55-605 Grounds for denial of license and disciplinary proceedings.

(1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the qualifications for licensure, the division may:
  (a) refuse to issue or renew a license;
  (b) revoke the right of a licensee to recover from the Residence Lien Recovery Fund created by Section 38-11-201;
  (c) revoke, suspend, or restrict a license;
  (d) issue a public or private reprimand to an applicant or a licensee; and
  (e) issue a cease-and-desist order.

(2) In addition to an action taken under Subsection (1), the division may take an action described in Subsection 58-1-401(2) in relation to a contractor license, if:
  (a) the applicant or licensee is an unincorporated entity; and
  (b) an individual who holds an ownership interest in or is the qualifier under Section 58-55-108 engages in:
    (i) unlawful conduct as described in Section 58-55-601; or
    (ii) unprofessional conduct as described in Section 58-55-602.

Repealed and Re-enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-55-606 Investigation of a regulated activity.

(1) The division shall be responsible for the investigation of a person or an activity that violates the provisions of this chapter.
(2)
(a) The division shall investigate:
(i) a licensee alleged to engage in unlawful or unprofessional conduct; and
(ii) an unlicensed person engaged in a construction trade regulated under this chapter.
(3) If the division finds there is no apparent material jeopardy to the public health, safety, or welfare, the division shall decline investigation of an alleged violation of this chapter.
(4)
(a) The division shall inspect construction trade to determine compliance with Subsections 58-1-501(2)(a)(vii), 58-55-601(14), and 58-55-602(2) through (4).
(b) Except for Subsection (4)(a), the division has no obligation to inspect construction trade to determine compliance with applicable code or industry standard.
(5) An authorized representative of the division may enter the premises or a site to inspect work regulated under this chapter for compliance.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-55-607 Collection -- Enforcement.
(1) The division shall deposit collected fines into the Commerce Service Account created under Section 13-1-2.
(2) If a person fails to pay a penalty, the director may:
(a) refer the case to a collection agency; or
(b) file a district court action in the person's county or the county where the director's office is located.
(3) The county attorney or attorney general shall provide legal support in penalty collection actions.
(4) The court shall award attorney fees and costs to the prevailing party in such actions.

Enacted by Chapter 42, 2026 General Session

Part 7
Construction Business Registry

Repealed 1/1/2027
58-55-701 Definitions.
As used in this part, "licensed contractor" means a person licensed under this chapter.

Repealed by Chapter 42, 2026 General Session
Enacted by Chapter 436, 2022 General Session

Renumbered 1/1/2027
58-55-702 Construction Business Registry.
(1) The division shall establish and maintain the Construction Business Registry as described in this section.

(2) The Construction Business Registry shall consist of a database of contact information for licensed contractors.
(3) Beginning January 1, 2023, the division shall ensure that the Construction Business Registry:
(a) is accessible to the public through an Internet website; and
(b) is indexed by:
(i) the name of the licensed contractor;
(ii) the name of the licensed contractor's licensed business;
(iii) the classification of the licensed contractor, as described in Section 58-55-301; and
(iv) any other identifier that the division considers reasonably appropriate.
(4) The division may link or otherwise associate the Construction Business Registry with the State Construction Registry under Title 38, Chapter 1a, Part 2, State Construction Registry.
(5)
(a) The division shall establish a process for a licensed contractor to:
(i) before entry into the Construction Business Registry, specify the licensed contractor's contact information that the licensed contractor wants included in the Construction Business Registry;
(ii) opt out of participation in the Construction Business Registry at any time; or
(iii) amend the licensed contractor's contact information in the Construction Business Registry at any time.
(b) If a licensed contractor does not specify the licensed contractor's contact information for the Construction Business Registry, the division shall include in the Construction Business Registry only public contact information for the licensed contractor.

Renumbered and Amended by Chapter 42, 2026 General Session
Enacted by Chapter 436, 2022 General Session

Repealed 1/1/2027
58-55-703 Fees.
The division may establish a fee for the entry of a licensed contractor's contact information into the Construction Business Registry, in accordance with Section 63J-1-504, to assist in offsetting the cost of creating, administering, and maintaining the Construction Business Registry.

Repealed by Chapter 42, 2026 General Session
Enacted by Chapter 436, 2022 General Session

Repealed 1/1/2027
58-55-704 Rulemaking.
The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish and maintain the Construction Business Registry in accordance with this part.

Repealed by Chapter 42, 2026 General Session
Enacted by Chapter 436, 2022 General Session

Chapter 56

Building Inspector and Factory Built Housing Licensing Act

58-56-1 Title.

This chapter is known as the "Building Inspector and Factory Built Housing Licensing Act."

Amended by Chapter 14, 2011 General Session

58-56-2 Chapter administration.

The provisions of this chapter shall be administered by the Division of Professional Licensing.

Amended by Chapter 415, 2022 General Session

58-56-3 Definitions.

In addition to the definitions in Section 58-1-102, definitions in the following sections apply to this chapter:

(1) Section 15A-1-102;
(2) Section 15A-1-202; and
(3) Section 15A-1-302.

Amended by Chapter 14, 2011 General Session

58-56-3.5 Surcharge fee.

(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a $1 surcharge fee.
(2) The surcharge fee shall be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Enacted by Chapter 215, 2019 General Session

58-56-8.5 Building Inspector Licensing Board.

(1) There is created a Building Inspector Licensing Board consisting of four building inspectors and one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 through 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
  (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
  (b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Enacted by Chapter 262, 1995 General Session

58-56-9 Qualifications of inspectors -- Contract for inspection services.

(1) A building inspector employed by a local regulator, state regulator, or compliance agency to enforce the codes shall:
  (a) be currently licensed by the division as meeting the minimum qualifications the division establishes in collaboration with the commission, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (b) be subject to disciplinary or other action if the building inspector engages in unlawful or unprofessional conduct.
(2) A local regulator, state regulator, or compliance agency may contract for the services of a building inspector not regularly employed by the regulator or agency.
(3) A private home inspector shall:
  (a) be currently licensed by the division as meeting the minimum qualifications the division establishes in collaboration with the commission, by rule in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (b) be subject to disciplinary or other action if the individual engages in unlawful or unprofessional conduct.
(4) In accordance with Section 58-1-401, the division may:
  (a) refuse to issue a license to an applicant;
  (b) refuse to renew the license of a licensee;
  (c) revoke, suspend, restrict, or place on probation the license of a licensee;
  (d) issue a public or private reprimand;
  (e) issue a citation to a licensee; and
  (f) issue a cease and desist order.

Amended by Chapter 75, 2025 General Session

58-56-9.1 Unlawful conduct.

(1) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.
(2) "Unlawful conduct" includes:
  (a) engaging in the sale of factory built housing without being registered with the division as a dealer, unless the sale is exempt under Section 58-56-16;
  (b) selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17;
  (c) acting as a building inspector or representing oneself to be acting as a building inspector, unless licensed or exempt under this chapter or using the title building inspector or any other description, words, letters, or abbreviation indicating that the person is a building inspector if the person has not been licensed under this chapter;
  (d) acting as a building inspector beyond the scope of the license held under this chapter;
  (e) hiring or employing in any manner an unlicensed person as a building inspector, unless exempt from licensure under this chapter; and
  (f) as a building official, directing or knowingly allowing an employed or contracted inspector to perform beyond the scope of the inspector's license held under this chapter.

Amended by Chapter 75, 2025 General Session

58-56-9.3 Unprofessional conduct.

(1) "Unprofessional conduct" means the same as that term is defined in Section 58-1-501.
(2) "Unprofessional conduct" includes:

(a) as a building inspector:
(i) knowingly failing to inspect or issue correction notices for code violations that when left uncorrected would constitute a hazard to the public health and safety; and
(ii) knowingly failing to require compliance with correction notices;
(b) the use of alcohol or the illegal use of drugs while performing duties to the extent that the inspector is physically or mentally impaired and unable to effectively perform the duties of an inspector;
(c) gross negligence in the performance of official duties as an inspector;
(d) the personal use of information or knowingly revealing information to unauthorized persons when that information has been obtained by an inspector as a result of the inspector's employment, work, or position as an inspector;
(e) unlawful acts or practices that are clearly unethical under generally recognized standards of conduct of an inspector;
(f) engaging in fraud or knowingly misrepresenting a fact relating to the performance of duties and responsibilities as an inspector;
(g) a building inspector knowingly failing to require that all plans, specifications, drawings, documents, and reports be stamped by architects, professional engineers, or both as established by law;
(h) a building inspector knowingly failing to report to the division an act or omission of a licensee under Chapter 55, Utah Construction Trades Licensing Act, which when left uncorrected constitutes a hazard to public health and safety;
(i) an inspector knowingly failing to report to the division unlicensed practice persons who are required to be licensed under Chapter 55, Utah Construction Trades Licensing Act;
(j) a building inspector's approval of work that materially varies from approved documents that have been stamped by an architect, professional engineer, or both unless authorized by the licensed architect, professional engineer, or both;
(k) a building inspector failing to produce verification of current licensure and current certifications for the codes upon request of the division, a compliance agency, or a contractor or property owner whose work is being inspected;
(l) a building inspector requiring work that materially varies from the codes adopted by the state, including amendments;
(m) an inspector failing to make reasonable efforts to maintain a current knowledge of amendments to code;
(n) falsifying inspection reports or purporting to perform an inspection that was not actually performed as an inspector;
(o) an inspector engaging in retaliatory actions against individuals or companies that file complaints or question the local regulator's decisions;
(p) an inspector accepting what would reasonably be viewed as a bribe, including monetary, goods, materials, or other benefits in the course of duty;
(q) any willful, fraudulent, or deceitful act by an inspector, caused by an inspector, or at an inspector's direction that causes material injury to another;
(r) nondelivery of goods or services by a registered dealer that constitutes a breach of contract by the dealer;
(s) the failure of a registered dealer to pay a subcontractor or supplier any amounts to which that subcontractor or supplier is legally entitled;
(t) any other activity that is defined as unprofessional conduct by division rule in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(u) a building official knowingly or willfully allowing an inspector contracted or employed within the building official's jurisdiction or firm to engage in the actions listed in Subsections (2)(a) through (2)(t).

Amended by Chapter 75, 2025 General Session

58-56-9.4 Investigation of regulated activity.

(1) The division is responsible for the investigation of a person or an activity that violates the provisions of this chapter.

(2) An investigation by the division may include:

(a) a requirement that potential administrative appeals described in Section 15A-1-207 have been exhausted before conducting the investigation;

(b) an investigation of a person engaged in unlawful or unprofessional conduct; and

(c) a referral to the Uniform Building Code Commission to review a dispute involving an application or interpretation of a building code or construction law by a licensee.

Enacted by Chapter 229, 2018 General Session

58-56-9.5 Penalty for unlawful conduct -- Citations.

(1) A person who violates a provision of Section 58-56-9.1 or who fails to comply with a citation issued under this section after it is final is guilty of a class A misdemeanor.

(2) Grounds for immediate suspension of a licensee's license by the division under this chapter include:

(a) the issuance of a citation for violation of a provision of Section 58-56-9.1 or 58-56-9.3; and

(b) failure by a licensee to make application to, report to, or notify the division with respect to a matter for which application, notification, or reporting is required under this chapter or rules made under this chapter by the division.

(3)

(a) If upon inspection or investigation, the division concludes that a person has violated a provision of Section 58-56-9.1 or 58-56-9.3, or a rule or order issued with respect to that section, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:

(i) promptly issue a citation to the person according to this chapter and any pertinent rules;

(ii) attempt to negotiate a stipulated settlement; or

(iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b)

(i) A person who violates a provision of Section 58-56-9.1 or 58-56-9.3, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine under this Subsection (3)(b) and may, in addition to or instead of the fine, be ordered by the division to cease from violating the provision.

(ii) Except as otherwise provided in Subsection (2)(a), the division may not assess licensure sanctions referred to in Subsection 58-56-9(1)(c) through a citation.

(c)

(i) Each citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated.

(ii) The citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(iii) The citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

(d) Each citation issued under this section, or a copy of each citation, may be served upon any person upon whom a summons may be served:

(i) in accordance with the Utah Rules of Civil Procedure;

(ii) personally or upon the person's agent by a division investigator or by any person specially designated by the director; or

(iii) by mail.

(e)

(i) If within 20 calendar days from the service of a citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The period to contest a citation may be extended by the division for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of a license.

(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(i) The director or the director's designee may assess fines for violations of Section 58-56-9.1 or 58-56-9.3 as follows:

(i) for a first offense determined under this Subsection (3), a fine of up to $1,000;

(ii) for a second offense, a fine of up to $2,000; and

(iii) for any subsequent offense, a fine of up to $2,000 for each day of continued offense.

(j) For the purposes of issuing a final order under this section and assessing a fine under Subsection (3)(i), an offense constitutes a second or subsequent offense if:

(i) the division previously issued a final order determining that a person committed a first or second offense in violation of a provision of Section 58-56-9.1; or

(ii)

(A) the division initiated an action for a first or second offense;

(B) no final order has been issued by the division in the action initiated under Subsection (3)(j)(ii)(A);

(C) the division determines during an investigation that occurred after the initiation of the action under Subsection (3)(j)(ii)(A) that the person committed a second or subsequent violation of a provision of Section 58-56-9.1; and

(D) after determining that the person committed a second or subsequent offense under Subsection (3)(j)(ii)(C), the division issues a final order on the action initiated under Subsection (3)(j)(ii)(A).

(k) In issuing a final order for a second or subsequent offense under Subsection (3)(j), the division shall comply with the requirements of this section.

(4)

(a) Proceeds from a fine imposed under Subsection (3)(i) shall be deposited in the Commerce Service Account created by Section 13-1-2.

(b) The director may collect a fine that is not paid by:

(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

58-56-15.1 Factory built housing set-up contractor license.

(1) The scope of the work included under a factory built housing set-up contractor license includes:
(a) the placement or securing, or both placement and securing, of the factory built housing on a permanent or temporary foundation;
(b) securing units together, if required; and
(c) connection of the utilities to a factory built housing unit.
(2) The scope of work included under a factory built housing set-up contractor license does not include:
(a) site preparation;
(b) construction of a permanent foundation; and
(c) construction of utility services to the near proximity of the factory built housing unit.
(3) If a dealer is not licensed as a factory built housing set-up contractor, that individual must subcontract the connection services to an individual who is licensed by the division to perform those specific functions under Title 58, Chapter 55, Utah Construction Trades Licensing Act.

Enacted by Chapter 14, 2011 General Session

58-56-16 Registration of dealers -- Bonding requirements -- Renewal -- Exemptions -- Discipline.

(1) Each person engaged in the sale of factory built housing in the state, except as provided in Subsection (4), shall register with the division as a dealer.
(2) Each applicant for registration under this section shall:
(a) submit an application in a form prescribed by the division;
(b) pay a fee determined by the department under Section 63J-1-504; and
(c) provide the division with a registration bond in accordance with rules established by the division.
(3)
(a) The division shall issue each registration under this section in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
(c) Each registration under this section automatically expires on the expiration date on the certificate of registration unless the registrant renews it in accordance with Section 58-1-308.
(4) Subsection (1) does not apply to:
(a) a person not regularly engaged in the sale of factory built housing who is selling a unit the person owns for the person's own account;
(b) a principal broker licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act; or

(c) a sales agent or associate broker licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, who sells factory built housing as an agent for, and under the supervision of, the principal broker with whom the sales agent or associate broker is affiliated.

(5) Grounds for refusing to issue a registration, for refusing to renew a registration, for revoking, suspending, restricting, or placing on probation a registration, for issuing a public or private reprimand to a registrant, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Amended by Chapter 379, 2010 General Session

58-56-17 Fees on sale -- Escrow agents -- Sales tax.

(1) A dealer shall collect and remit a fee of $25 to the division for each factory built home the dealer sells that, as of the date of the sale, has not been permanently affixed to real property and converted to real property as provided in Section 70D-2-401. The fee shall be payable within 30 days following the close of each calendar quarter for all units sold during that calendar quarter. The fee shall be deposited in a restricted account as provided in Section 58-56-17.5.

(2) A principal real estate broker, associate broker, or sales agent exempt from registration as a dealer under Section 58-56-16 who sells a factory built home that has not been permanently affixed to real property shall close the sale only through a qualified escrow agent in this state registered with the Insurance Department or the Department of Financial Institutions.

(3) An escrow agent through which a sale is closed under Subsection (2) shall remit all required sales tax to the state.

Amended by Chapter 262, 2013 General Session

58-56-17.5 Factory Built Housing Fees Restricted Account.

(1) There is created within the General Fund a restricted account known as "Factory Built Housing Fees Account."

(2)

(a) The restricted account shall be funded from the fees the dealer collects and remits to the division for each factory built home the dealer sells as provided in Subsection 58-56-17(1).

(b) The division shall deposit all money collected under Subsection 58-56-17(1) in the restricted account.

(c) The restricted account shall be used to pay for education and enforcement of this chapter and Title 15A, Chapter 1, Part 3, Factory Built Housing and Modular Units Administration Act, including investigations and administrative actions and the funding of additional employees to the amount of the legislative appropriation.

(d) The restricted account may accrue interest which shall be deposited into the restricted account.

Amended by Chapter 14, 2011 General Session

Chapter 57
Respiratory Care Practices Act

58-57-101 Definitions.

As used in this chapter:

(1) "Board" means the Respiratory Care Licensing Board created in Section 58-57-102.

(2)

(a) "Health care facility" means a facility or institution in which health care services are performed or furnished.

(b) "Health care facility" includes a hospital, a clinic, and an emergency care center.

(3)

(a) "Limited practice of respiratory care" means the practice of respiratory care on a non-critical care patient.

(b) "Limited practice of respiratory care" does not include:

(i) invasive and noninvasive mechanical ventilation;

(ii) arterial line placement; or

(iii) high-risk procedures the division defines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) "Non-critical care patient" means a patient who is not receiving a service from an intensive care unit, an emergency department of a hospital, or an ambulance as that term is defined in Section 53-2d-101.

(5)

(a) "Practice of respiratory care" means the treatment, operation of equipment, management, diagnostic testing, and care of a human disease, deficiency, pain, injury, or other physical condition associated with the cardiopulmonary system under the qualified medical direction or supervision of a practitioner who has training and knowledge in the diagnosis, treatment, and assessment of respiratory problems.

(b) "Practice of respiratory care" includes:

(i) accepting and carrying out a practitioner's written, verbal, or telephonic prescription or order specifically relating to respiratory care in a hospital or other health care setting and in consultation with a licensed nurse, as appropriate;

(ii) administering respiratory care during transportation of a patient and under other circumstances where an emergency requires immediate respiratory care;

(iii) serving as a resource to other health care professionals and hospital administrators in relation to the technical aspects of, and the safe and effective methods for, administering respiratory care;

(iv) functioning in situations of patient contact requiring individual judgment in administering respiratory care under the general supervision of a qualified practitioner; and

(v) supervising, directing, or teaching personnel in the performance of respiratory care modalities as part of an approved education program for respiratory care.

(c) "Practice of respiratory care" does not include:

(i) the delivery, installation, or maintenance of respiratory related durable medical equipment; or

(ii) giving instructions regarding the use of respiratory related durable medical equipment if the individual giving the instruction does not perform clinical evaluation or treatment of the patient.

(6) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs and order respiratory care in the course of professional practice.

(7) "Respiratory related durable medical equipment" means:

(a) medical grade oxygen;

(b) equipment and supplies related to medical gases;

(c) apnea monitors;
(d) oximeters;
(e) noninvasive positive pressure generators, except those with back-up respiratory rate or when used invasively;
(f) bilirubin lights;
(g) suctioning equipment;
(h) large volume nebulizers with compressors, except when used invasively in conjunction with an artificial airway;
(i) medication nebulizers;
(j) enteral nutrition equipment; and
(k) other respiratory related equipment intended for use in the home as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(8) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-57-110.

(9)
(a) "Unprofessional conduct" means the same as that term is defined in Section 58-1-501 and as the division may define by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) "Unprofessional conduct" includes:
(i) acting contrary to the instructions of the practitioner responsible for supervising the licensee;
(ii) knowingly operating respiratory care equipment that is unsafe or not in compliance with standards of condition or operation consistent with the patient's safety;
(iii) permitting an individual to operate respiratory care equipment who is not competent or not allowed to operate the equipment;
(iv) revealing to an unauthorized individual confidential or privileged information about a patient;
(v) using a controlled substance, unless a practitioner prescribes the controlled substance and the respiratory care practitioner uses the controlled substance in accordance with the practitioner's instructions; and
(vi) making a statement that is incorrect due to negligence, willfulness, or intent to provide false information or entry on a patient record or other record that is used for payment of respiratory care services.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-102 Board created -- Membership -- Duties.

(1) There is created a five-member Respiratory Care Licensing Board consisting of the following individuals:
(a) one physician who is a member of either the American Society of Anesthesiologists, the American College of Chest Physicians, the American Thoracic Society, or the American Academy of Pediatrics;
(b) three licensed respiratory care practitioners who have practiced respiratory care for a period of not less than three years immediately before appointment to the board; and
(c) one member from the general public.

(2) The executive director shall appoint the members of the board and the members shall serve in accordance with Section 58-1-201.

(3) The board shall perform the board's duties and responsibilities as provided in Sections 58-1-202 and 58-1-203.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-103 Qualifications for a license -- Scope of practice.

(1) The division shall issue to an individual who meets the requirements specified in this section a license in the classification of:
  (a) respiratory care practitioner; or
  (b) respiratory care apprentice.
(2)
  (a) An applicant seeking licensure as a respiratory care practitioner shall:
    (i) submit to the division an application on a form the division approves;
    (ii) pay to the division a fee determined in accordance with Section 63J-1-504;
    (iii) have a high school education or the equivalent, as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
    (iv) complete a respiratory care practitioner educational program that is accredited by a nationally accredited organization acceptable to the division as defined by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    (v) subject to Section 58-57-104, pass an examination the division approves in collaboration with the board.
  (b) A respiratory care practitioner may engage in the practice of respiratory care.
(3)
  (a) An applicant seeking licensure as a respiratory care apprentice 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 a high school education or the equivalent, as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
    (iv) submit to the division evidence that the applicant is:
      (A) in good standing with an approved education program that the division approves by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
      (B) in the final year with the approved education program; and
      (C) has written permission from the education program in which the applicant is enrolled to apply for licensure.
  (b) A respiratory care apprentice may perform a service in the limited practice of respiratory care if the respiratory care apprentice has documented evidence of training for the service.
  (c) A respiratory care apprentice shall be under the indirect supervision of a licensed respiratory care practitioner when engaging in the limited practice of respiratory care.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-104 Licensure by endorsement.

Licensure by endorsement shall be in accordance with Section 58-1-302.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-105 Term of license -- Expiration -- Renewal.

(1)
(a) The division shall issue a respiratory care practitioner license in accordance with a two-year renewal cycle the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) The division may extend or shorten a renewal period by as much as one year to maintain established renewal cycles or to change a renewal cycle.
(2) A respiratory care practitioner license automatically expires on the expiration date shown on the license.
(3)
(a) A respiratory care apprentice license shall expire on the day of the earliest of the following events:
(i) the issuance of a respiratory care practitioner license;
(ii) the denial of a respiratory care practitioner license application; or
(iii) the termination of enrollment at an accredited respiratory care practitioner program.
(b) Notwithstanding Subsection (3)(a)(iii), a respiratory care apprentice license is valid for 60 days after the day on which a respiratory care apprentice graduates from an accredited respiratory care practitioner program.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-106 Exemptions from licensure.
(1)
(a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
(b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
(i) a practitioner;
(ii) a respiratory therapist;
(iii) a Diplomate of the American Board of Sleep Medicine; or
(iv) a registered polysomnographic technologist.
(2) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
(a) an individual who provides gratuitous care for an immediate family member without representing that the individual is a licensed respiratory care practitioner;
(b) an individual who is a licensed or a qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the individual does not represent that the individual is a respiratory care practitioner;
(c) an individual who serves in the Armed Forces of the United States or another agency of the federal government and is performing official duties;
(d) an individual who acts under a certification issued in accordance with Title 53, Chapter 2d, Emergency Medical Services Act, while providing emergency medical services;
(e) except as provided in Subsection (3), an individual who delivers, installs, or maintains respiratory related durable medical equipment or who gives instructions regarding the use of that equipment;
(f) an individual who works in a practitioner's office, acting under supervision; and

(g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:
(i) oxygen titration; and
(ii) positive airway pressure that does not include mechanical ventilation.
(3) Subsection (2)(e) does not allow an individual to engage in clinical evaluation or treatment of a patient.
(4) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-107 Grounds for denial of license -- Disciplinary proceedings.
(1) The division may:
(a) refuse to issue a license to an applicant;
(b) refuse to renew a license;
(c) revoke, suspend, restrict, or place a license on probation;
(d) issue a public or private reprimand to a licensee; or
(e) issue a cease and desist order.
(2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-108 Use of title or designation.
(1) Only a respiratory care practitioner may use the following titles or designations:
(a) respiratory care practitioner;
(b) respiratory therapist; or
(c) respiratory technician.
(2) Only a respiratory care apprentice may use the following titles or designations:
(a) respiratory care apprentice; or
(b) respiratory therapy apprentice.
(3) An individual who violates this section is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-109 Independent practice prohibited.
A respiratory care practitioner may not:
(1) practice independently of a practitioner or of a health care facility while under the supervision of a practitioner; or
(2) charge a fee independently of a practitioner or health care facility.

Renumbered and Amended by Chapter 96, 2026 General Session

58-57-110 Unlawful conduct -- Penalty.
(1) As used in this section, "unlawful conduct" includes:
(a) using the following titles or initials for the following titles if the user is not properly licensed:
(i) respiratory care practitioner;
(ii) respiratory therapist;
(iii) respiratory technician;

(iv) respiratory care apprentice; and
(v) respiratory therapy apprentice; and
(b) using a name, title, or initials that would cause a reasonable person to believe the user is licensed under this chapter if the user is not properly licensed under this chapter.
(2) A person that violates Subsection 58-1-501(1)(a) is guilty of a third degree felony.

Renumbered and Amended by Chapter 96, 2026 General Session

Chapter 60
Mental Health Professional Practice Act

Part 1
General Provisions

58-60-101 Title.
This chapter is known as the "Mental Health Professional Practice Act."

Enacted by Chapter 32, 1994 General Session

58-60-102 Definitions.
As used in this chapter, unless a definition establishes a different meaning under a specific section or part:
(1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.
(2) "Client" or "patient" means an individual who an individual licensed under this chapter who is acting in the individual's professional capacity consults, examines, or interviews.
(3) "Clinical supervision" means work experience conducted under the supervision of a clinical supervisor, including the practice of mental health therapy, direct client care, direct clinical supervision, direct observation, and other duties and activities completed in the course of the day-to-day job functions and work of:
(a) a certified social worker;
(b) an associate marriage and family therapist;
(c) an associate clinical mental health counselor; or
(d) an associate master addiction counselor, wherein the supervisor is available to the supervisee for consultation by personal face-to-face contact, or by direct voice contact by telephone, video conference, or other means within a reasonable timeframe consistent with the acts and practices in which the supervisee is engaged.
(4) "Clinical supervisor" means an individual who oversees and mentors one or more mental health therapists licensed under this chapter, and who:
(a)
(i) is licensed, in good standing, as a mental health therapist;
(ii) is approved or certified in good standing as a supervisor by a national professional organization for social work, mental health counseling, addiction counseling, marriage and family therapy, psychology, medicine, or nursing, or other organization as the division approves;
(iii)

(A) has completed eight or more hours of supervision instruction that meets minimum standards the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(B) has completed a graduate course on clinical supervision from an accredited program;

(iv) completes continuing education in clinical supervision, as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(v) provides supervision to no more than the number of individuals to whom the supervisor can reasonably provide clinical supervision by performing the duties and responsibilities of a supervisor, including:

(A) being available to the supervisee for consultation by personal face-to-face contact, or by direct voice contact by telephone, video conference, or other means within a reasonable time frame;

(B) providing instruction, direction, oversight, observation, evaluation, and feedback, to enable the supervisee to acquire the knowledge, skills, techniques, and abilities necessary to engage in the practice of behavioral health care ethically, safely, and competently; and

(C) maintaining routine personal contact with the supervisee; and

(b)

(i) is qualified and acting as a valid supervisor, in accordance with applicable law and division rules, as of April 30, 2024; and

(ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

(5) "Confidential communication" means information obtained by an individual licensed under this chapter, including information obtained by the individual's examination of the client or patient, which is:

(a)

(i) transmitted between the client or patient and an individual licensed under this chapter in the course of that relationship; or

(ii) transmitted among the client or patient, an individual licensed under this chapter, and individuals who are participating in the diagnosis or treatment under the direction of an individual licensed under this chapter, including members of the client's or patient's family; and

(b) made in confidence, for the diagnosis or treatment of the client or patient by the individual licensed under this chapter, and by a means not intended to be disclosed to third persons other than those individuals:

(i) present to further the interest of the client or patient in the consultation, examination, or interview;

(ii) reasonably necessary for the transmission of the communications; or

(iii) participating in the diagnosis and treatment of the client or patient under the direction of the mental health therapist.

(6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

(7)

(a) "Direct client care" means the practice of mental health therapy performed as an applicant for licensure.

(b) "Direct client care" includes:

(i) the practice of mental health therapy;

(ii) the utilization of patient-reported progress and outcomes to inform care; and

(iii) direct observation.

(8)

(a) "Direct clinical supervision" means an applicant for licensure and the applicant's direct clinical supervisor meeting in real time and in accordance with the applicant for licensure's supervision contract as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(b) "Direct clinical supervision" includes group supervision.
(9) "Direct clinical supervisor" means the clinical supervisor who has signed the supervision contract with the applicant for licensure.
(10) "Direct observation" means observation of an applicant for licensure's live or recorded direct client care:
(a)
(i) by the applicant for licensure's clinical supervisor; or
(ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct clinical supervisor approves; and
(b) after which the applicant for licensure and the observer under Subsection (10)(a) meet, in-person or electronically, to discuss the direct client care for the purpose of developing the applicant for licensure's clinical knowledge and skill.
(11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.
(12) "Group supervision" means an applicant for licensure meeting with the applicant's direct clinical supervisor and at least one of the direct clinical supervisor's other supervised applicants for licensure:
(a) while the clinical supervisor and the applicants:
(i) can see and openly communicate with each other; and
(ii) are present in the same room or via electronic video; and
(b) for the purpose of developing the applicants' clinical knowledge and skill.
(13) "Hypnosis" means, when referring to individuals exempted from licensure under this chapter, a process by which an individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.
(14) "Individual" means a natural person.
(15) "Mental health therapist" means an individual who is practicing within the scope of practice defined in the individual's respective licensing act and is licensed under this title as:
(a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;
(d) a psychologist qualified to engage in the practice of mental health therapy;
(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;
(f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
(g) a clinical social worker;
(h) a certified social worker;
(i) a marriage and family therapist;
(j) an associate marriage and family therapist;
(k) a clinical mental health counselor;
(l) an associate clinical mental health counselor;
(m) a master addiction counselor; or
(n) an associate master addiction counselor.

(16) "Mental illness" means a mental disorder defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (15).
(17) "Practice of mental health therapy" means treatment or prevention of another individual's mental illness or emotional disorder, whether in person or remotely, including:
(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (15);
(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (15);
(c) conveying an opinion as to the validity of an individual's established diagnosis;
(d) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
(e) engaging in the conduct of professional intervention, including:
(i) psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (15); and
(ii) modes of treatment designed to treat interpersonal dysfunction; and
(f) holding oneself out as providing, or has having the skills, experience, or training to competently provide, any of the services described in Subsections (17)(a) through (e).
(18) "Remotely" means communicating via internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.
(19) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-60-109.
(20) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-60-110, and as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 64, 2026 General Session

58-60-102.5 Behavioral Health Board -- Advisory committees.
(1) There is created the Behavioral Health Board consisting of:
(a) no less than six behavioral health care providers licensed in Utah to practice as a:
(i) clinical social worker;
(ii) marriage and family therapist;
(iii) clinical mental health counselor;
(iv) master addiction counselor;
(v) psychologist under Chapter 61, Psychologist Licensing Act; or
(vi) behavior analyst or specialist;
(b) no less than two other behavioral health care providers licensed in Utah to practice as:
(i) a certified social worker;
(ii) a social service worker;
(iii) an associate marriage and family therapist;
(iv) an associate clinical mental health counselor;
(v) an associate master addiction counselor;
(vi) an advanced substance use disorder counselor;
(vii) a substance use disorder counselor;
(viii) a certified psychology resident; or

(ix) an assistant behavior analyst or specialist;
(c) no less than four public members:
(i) who comprise no less than 1/3 of the total membership of the board;
(ii) who are not licensed to practice under:
(A) this chapter; or
(B) Chapter 61, Psychologist Licensing Act;
(iii) two of whom shall, at the time of appointment to the board, hold a leadership position with:
(A) a behavioral health consumer advocacy organization;
(B) a behavioral health employer;
(C) a behavioral health payor;
(D) an academic institution conducting research related to the behavioral health licenses under Subsection (3)(b), including public health, epidemiology, economics, and the health care workforce;
(E) a training institution providing education credentials required for a license under Subsection (3)(b);
(F) a licensed health care facility as defined in Section 26B-2-201; or
(G) a licensed human services program as defined in Section 26B-2-101;
(iv) one of whom the executive director of the Department of Health and Human Services appoints; and
(v) one of whom is licensed in Utah to practice as a:
(A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
(B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
(C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure Compact - Revised.
(2) Board members shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.
(3) The board shall:
(a) operate in accordance with Section 58-1-202, unless otherwise provided in this section;
(b) oversee licenses under:
(i) this chapter; and
(ii) Chapter 61, Psychologist Licensing Act;
(c) recommend to the appropriate legislative committee statutory changes to:
(i) ensure that regulation supports an adequate workforce to meet consumer demand for behavioral health services; and
(ii) prevent harm to the health, safety, and financial welfare of the public;
(d) recommend to the appropriate legislative committee statutory changes to remove regulations that are no longer necessary or effective in protecting the public and enhancing commerce; and
(e) disqualify any member from acting as a presiding officer in any administrative procedure in which that member has previously reviewed the complaint or advised the division.
(4)
(a) There are created the following advisory committees to the board:
(i) the Qualifications and Professional Development Advisory Committee;
(ii) the Background and Investigations Advisory Committee; and
(iii) the Probation and Compliance Advisory Committee.
(b) Each advisory committee shall consist of:
(i) a committee chair who is a member of the Behavioral Health Board; and

(ii) additional members from the professions licensed under this chapter or Chapter 61, Psychologist Licensing Act, that the division appoints by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) In addition to the requirements of Subsection (4)(b):

(i) the Qualifications and Professional Development Advisory Committee shall also consist of an educator for each profession regulated under this chapter and Chapter 61, Psychologist Licensing Act; and

(ii) the Background and Investigations Advisory Committee shall also consist of a criminal justice professional.

(d) The Qualifications and Professional Development Advisory Committee shall:

(i) advise the division regarding qualifications for licensure, including passing scores for applicant examinations and standards of supervision for students or persons in training to become licensed;

(ii) recommend evidence-based ongoing professional development requirements for licensure that:

(A) ensure an adequate workforce to meet consumer demand; and

(B) prevent harm to the health, safety, and financial welfare of the public;

(iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:

(A) internationally trained applicants;

(B) applicants applying via licensure by endorsement; and

(C) applicants applying using an alternate pathway to licensure including a non-exam or equivalent field degree path;

(iv) draw on additional profession-specific advisors as needed;

(v) make policy recommendations to the board regarding qualifications for licensure or renewal for a specific profession, including the committee chair assigning at least one committee member licensed under that profession to serve as a subject matter expert; and

(vi) make recommendations to the board related to an individual applicant for a specific license, including the committee chair assigning at least one committee member licensed under the same profession as the applicant to serve as a subject matter expert.

(e) The Background and Investigations Advisory Committee shall:

(i) advise the division on establishing criteria for licensure for those with a criminal conviction according to Section 58-1-401;

(ii) advise the division on establishing criteria for referral to the Utah Professionals Health Program under Chapter 4a, Utah Professionals Health Program;

(iii) screen applicants with a criminal history for licensing, renewal, reinstatement, and relicensure and recommending licensing, renewal, reinstatement, and relicensure actions to the division;

(iv) advise the division on investigative practices and procedures and administrative sanctions for consistency and fairness across relevant occupations;

(v) make recommendations to the board for sanctions against individual licensees and referral to the Utah Professionals Health Program under Chapter 4a, Utah Professionals Health Program;

(vi) draw on additional profession-specific advisors as needed; and

(vii) make recommendations to the board related to the disposition for any specific applicant or licensee, including the committee chair assigning at least one committee member licensed under the same profession as the applicant or licensee to serve as a subject matter expert.

(f) The Probation and Compliance Advisory Committee shall:

(i) review compliance with probationary orders;

(ii) review early termination and make any recommendations the board may request;
(iii) advise the board regarding the screening of applicants previously sanctioned for licensing, renewal, reinstatement, and relicensure, including recommending licensing, renewal, reinstatement, and relicensure actions to the board;
(iv) establish procedures for monitoring sanctioned licensees or certificate holders;
(v) draw on additional profession-specific advisors as needed; and
(vi) make recommendations to the board related to the disposition for any specific licensee or certification holder, including the committee chair assigning a committee member licensed under the same profession as the licensee or certification holder to serve as a subject-matter expert related to that disposition.

(5) The division, in consultation with the board, may establish one or more standing or ad hoc subcommittees to consider and advise the board regarding any aspect of licensing, including:
(a) client or patient access to qualified licensees;
(b) education, examination, and supervision of applicants for licensure;
(c) verification of applicant for licensure qualifications;
(d) continuing education requirements;
(e) alternate pathways to licensure; and
(f) probation and recovery assistance.

(6) The division may consult with licensed psychologists on matters specific to the oversight of doctoral-level licensed psychologists.

(7) Members of the board and any subcommittees created under this section 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 under Sections 63A-3-106 and 63A-3-107.

(8) The division shall consult with the Physicians Licensing Board created in Section 58-67-201 on any matters relating to:
(a) the licensing of individual certified prescribing psychologists and provisional prescribing psychologists; and
(b) rulemaking related to the occupation of prescribing psychology.

Amended by Chapter 64, 2026 General Session

58-60-103 Licensure required.

(1)
(a) An individual shall be licensed under:
(i) this chapter;
(ii) Chapter 67, Utah Medical Practice Act;
(iii) Chapter 68, Utah Osteopathic Medical Practice Act;
(iv) Chapter 31b, Nurse Practice Act;
(v) Chapter 61, Psychologist Licensing Act;
(vi) Chapter 70a, Utah Physician Assistant Act; or
(vii) exempted from licensure under this chapter.
(b) Only an individual described in Subsection (1)(a) may:
(i) engage in, or represent that the individual will engage in, the practice of mental health therapy, clinical social work, certified social work, marriage and family therapy, or clinical mental health counseling; or

(ii) practice as, or represent that the individual is, a mental health therapist, clinical social worker, certified social worker, marriage and family therapist, clinical mental health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse specialist, certified psychology resident, associate marriage and family therapist, or associate clinical mental health counselor.

(2) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:

(a) engage in, or represent that the individual is engaged in, practice as a social service worker; or

(b) represent that the individual is, or use the title of, a social service worker.

(3) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:

(a) engage in, or represent that the individual is engaged in, practice as a substance use disorder counselor; or

(b) represent that the individual is, or use the title of, a substance use disorder counselor.

(4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be certified under this chapter, or otherwise exempted from licensure under this chapter, in order to engage in an internship or residency program of supervised clinical training necessary to meet the requirements for licensure as:

(a) a marriage and family therapist under Part 3, Marriage and Family Therapist Licensing Act; or

(b) a clinical mental health counselor under Part 4, Clinical Mental Health Counselor Licensing Act.

Amended by Chapter 313, 2021 General Session

58-60-104 Term of license -- Expiration -- Renewal.

(1)

(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements as required under this chapter.

(3) Each license expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Enacted by Chapter 32, 1994 General Session

58-60-105 Continuing education.

(1) By rule made under Section 58-1-203, the division may establish a continuing education requirement as a condition for renewal of any license classification under this chapter upon finding continuing education for that profession is necessary to reasonably protect the public health, safety, or welfare.

(2) If a renewal cycle is extended or shortened under Section 58-60-104, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

(3) The division shall, in addition to a continuing education requirement the division establishes under Subsection (1), require an individual licensed under this chapter, as a condition of

renewing the individual's license, to complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 77, 2015 General Session

58-60-106 Status of licenses held on the effective date of this chapter -- Grandfather provisions.

(1) An individual holding a valid Utah license as a clinical social worker, certified social worker, social service worker, or marriage and family therapist under any licensing or practice acts in this title in effect immediately prior to July 1, 1994, is on and after July 1, 1994, considered to hold a current license under this chapter in the comparable classification as a clinical social worker, certified social worker, social service worker, or marriage and family therapist.

(2)

(a) An individual who, prior to May 1, 2024, began accruing supervised hours toward licensure or certification under supervision hours that change, may continue to qualify for licensure under the unchanged supervision hours requirements until January 1, 2027.

(b) An individual who is acting as a supervisor, or working toward qualification to act as a supervisor, under qualification requirements that change, may continue to qualify to act as a supervisor under the unchanged qualification requirements until January 1, 2027.

Amended by Chapter 420, 2024 General Session

58-60-107 Exemptions from licensure.

(1) Except as modified in Section 58-60-103, the exemptions from licensure in Section 58-1-307 apply to this chapter.

(2) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of practice as a mental health therapist, subject to the stated circumstances and limitations, without being licensed under this chapter:

(a) the following when practicing within the scope of the license held:

(i) a physician and surgeon or osteopathic physician and surgeon licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

(ii) an advanced practice registered nurse, specializing in psychiatric mental health nursing, licensed under Chapter 31b, Nurse Practice Act;

(iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act; and

(iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act, and specializing in mental health care under Section 58-70a-501.1;

(b) a recognized member of the clergy while functioning in a ministerial capacity as long as the member of the clergy does not represent that the member of the clergy is, or use the title of, a license classification in Subsection 58-60-102(15);

(c) an individual who is offering expert testimony in a proceeding before a court, administrative hearing, deposition upon the order of a court or other body having power to order the deposition, or a proceeding before a master, referee, or alternative dispute resolution provider;

(d) an individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice, and who:

(i)

(A) induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;

(B) consults with a client to determine current motivation and behavior patterns;
(C) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;
(D) tests clients to determine degrees of suggestibility;
(E) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and
(F) trains clients in self-hypnosis conditioning;
(ii) may not:
(A) engage in the practice of mental health therapy;
(B) use the title of a license classification in Subsection 58-60-102(15); or
(C) use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized diagnostic and statistical manuals of medical, psychological, or dental disorders;
(e) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;
(f) an individual holding an earned doctoral degree or master's degree in social work, marriage and family therapy, or clinical mental health counseling, who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing or supervising professional services regulated under this chapter to individuals or groups regardless of whether there is compensation for the services;
(g) an individual in an on-the-job training program approved by the division while under the supervision of qualified persons;
(h) an individual providing general education in the subjects of alcohol, drug use, or substance use disorders, including prevention;
(i) an individual providing advice or counsel to another individual in a setting of their association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; and
(j) an individual who is licensed, in good standing, to practice mental health therapy or substance use disorder counseling in a state or territory of the United States outside of Utah may provide short term transitional mental health therapy remotely or short term transitional substance use disorder counseling remotely to a client in Utah if:
(i) the individual is present in the state or territory where the individual is licensed to practice mental health therapy or substance use disorder counseling;
(ii) the client relocates to Utah;
(iii) the client is a client of the individual immediately before the client relocates to Utah;
(iv) the individual provides the short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client only during the 90 day period beginning on the day on which the client relocates to Utah;
(v) within one day after the day on which the individual first provides mental health therapy or substance use disorder counseling remotely to the client in Utah, the individual provides written notice to the division of the individual's intent to provide short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client; and
(vi) the individual does not engage in unlawful conduct or unprofessional conduct.
(3)
(a) As used in this Subsection (3):

(i) "Prescribe" means the same as that term is defined in Section 58-17b-102.
(ii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
(b) Except as otherwise provided in an interstate compact enacted under this title, an individual who is licensed, in good standing, to practice mental health therapy or substance use disorder counseling in a state or territory of the United States outside of Utah, and who provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah:
(i) may not prescribe a prescription drug for a client in Utah unless the individual is licensed in Utah to prescribe the prescription drug;
(ii) shall, before providing mental health therapy remotely or substance use disorder counseling remotely to a client in Utah, be aware of:
(A) how to access emergency services and resources in Utah; and
(B) all applicable laws and rules regarding the required or permitted reporting or disclosing of confidential client communications;
(iii) shall, within one day after the day on which the individual first provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah, submit to the division a signed notice, in the form required by the division, notifying the division that the individual is providing therapy or counseling under the exemption in this Subsection (3); and
(iv) shall obtain a Utah license:
(A) within nine months after the day on which the individual first provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah; or
(B) if at any time the individual provides mental health therapy remotely or substance use disorder counseling remotely to more than one client in Utah.
(4) The division shall report to the Health and Human Services Interim Committee at or before the committee's October 2026 meeting regarding the exemption described in Subsection (3), including information about any complaints the division has received concerning individuals who have provided therapy or counseling under that exemption.

Amended by Chapter 324, 2026 General Session

58-60-108 Grounds for denial of licensure or certification -- Disciplinary proceedings.
(1) As used in this section:
(a) "License" includes a certification issued under this chapter.
(b) "Licensed" includes a person certified under this chapter.
(c) "Licensee" includes a certificate holder under this chapter.
(2) Subject to Subsection (7), the division may take an action described in Section 58-1-401 and in accordance with that section, including refusing to issue or renew a license, or revoking, suspending, restricting, or placing a license on probation, issuing a public or private reprimand, or issuing a cease and desist order.
(3)
(a)
(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is incapacitated as defined in Section 75-1-20, or that the licensee has a mental illness as defined in Section 26B-5-301, and is unable to safely engage in practice under this chapter, the director shall immediately suspend the license of the licensee upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending.

(ii) The director shall promptly notify the licensee in writing of a suspension under Subsection (3)(a)(i).

(b)

(i) If the division and a majority of the board find reasonable cause to believe that a licensee cannot practice under this chapter with reasonable skill and safety to protect a patient due to illness, excessive use of drugs or alcohol, or another mental or physical condition, and a court has not determined that the licensee is incapacitated or has a mental illness, the board shall:

(A) recommend that the director file a petition with the division; and

(B) ensure service of the petition on the licensee together with a notice of hearing limited to the licensee's capacity to competently and safely practice under this chapter.

(ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.

(4)

(a) Every licensee who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting to an immediate mental or physical examination, at the licensee's expense and by a division-approved practitioner selected by the licensee when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the licensee's patients or the general public.

(c)

(i) By written order of the director, the division may immediately suspend the license of a licensee who fails to submit to examination in accordance with this section.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the licensee's failure to submit to examination was due to circumstances beyond the control of the licensee and unrelated to the illness or incapacity of the licensee.

(5)

(a) A licensee whose license is suspended under Subsection (3) or (4)(c) may appeal the suspension within 10 days after the day on which the division suspends the license.

(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the licensee's patients or the general public.

(6) A licensee whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the licensee, under procedures the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in the licensee's condition, to determine whether:

(a) the licensee is able to safely and competently engage in the practice under the licensee's license; and

(b) the licensee is qualified to have the licensee's license to practice under this chapter partially or completely restored.

(7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

(8) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by the Counseling Compact in Section 58-60a-103 or the Social Work Licensure Compact in Section 58-60b-103.

Amended by Chapter 64, 2026 General Session

58-60-109 Unlawful conduct.

(1) As used in this chapter, "unlawful conduct" includes:

(a) practice of the following unless licensed in the appropriate classification or exempted from licensure under this title:

(i) mental health therapy;

(ii) clinical social work;

(iii) certified social work;

(iv) marriage and family therapy;

(v) clinical mental health counseling;

(vi) social service work;

(vii) master addiction counseling;

(viii) substance use disorder counseling;

(ix) advanced substance use disorder counseling; or

(x) behavioral health coach work;

(b) practice of mental health therapy by a licensed psychologist who has not acceptably documented to the division the licensed psychologist's completion of the supervised training in mental health therapy required under Subsection 58-61-304(1)(e); or

(c) representing oneself as, or using the title of, the following:

(i) unless currently licensed in a license classification under this title:

(A) psychiatrist;

(B) psychologist;

(C) registered psychiatric mental health nurse specialist;

(D) mental health therapist;

(E) clinical social worker;

(F) master addiction counselor;

(G) certified social worker;

(H) marriage and family therapist;

(I) clinical mental health counselor;

(J) social service worker;

(K) substance use disorder counselor;

(L) associate clinical mental health counselor;

(M) associate marriage and family therapist;

(N) associate master addiction counselor;

(O) behavioral health coach; or

(P) behavioral health technician; or

(ii) unless currently in possession of the credentials described in Subsection (2), social worker.

(2) An individual may represent oneself as a, or use the title of, social worker if the individual possesses certified transcripts from an accredited institution of higher education, recognized by the division in collaboration with the board, verifying satisfactory completion of an education and an earned degree as follows:
(a) a bachelor's or master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
(b) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203.

Amended by Chapter 420, 2024 General Session

58-60-110 Unprofessional conduct.
(1) As used in this chapter, "unprofessional conduct" includes:
(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;
(b) failure to confine practice conduct to those acts or practices:
(i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and
(ii) which are within applicable scope of practice laws of this chapter;
(c) disclosing or refusing to disclose any confidential communication under Section 58-60-114 or 58-60-509;
(d) a pattern of failing to offer a patient the opportunity to waive the patient's privacy rights under the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164;
(e) a pattern of failing to provide to patients in a mental health therapy setting:
(i) information regarding the license holder, including the name under which the license holder is licensed, the type of license held, the license number, and the license holder's contact information;
(ii) if the individual's license requires the license holder to be supervised by another licensed provider, information regarding the supervisor, including the name under which the supervisor is licensed, the type of license held, the license number, and the supervisor's contact information;
(iii) information regarding standards of appropriate care and ethical boundaries, including a plain language statement that in a professional relationship with a mental health practitioner, a dual relationship between a client and a provider, or one that is romantic, financially motivated, sexual, or otherwise risks impacting the provider's judgment or the quality of the services provided, is never appropriate and should be reported to the Division of Professional Licensing;
(iv) unless the individual is under an order of temporary commitment or involuntary commitment, information regarding the client's rights, including that the client has the right to seek a second opinion, to ask for additional information, and to terminate treatment at any time; or
(v) the contact information for the Division of Professional Licensing, including how to file a complaint; and
(f) a pattern of failing to provide to patients, upon request, in a mental health setting:

(i) information about the license holder's qualifications and experience, including a listing of any degrees, credentials, certifications, registrations, and licenses held or completed by the license holder, the name of the granting school or institution, and the continuing education that the licensee is required to complete in order to retain the license;
(ii) information regarding standards of appropriate care and ethical boundaries, including a copy of the statutory and administrative rule definitions of unprofessional conduct, or a copy of the generally recognized professional or ethical standards;
(iii) for any course of treatment, the method of treatment recommended, the reasoning supporting the method of treatment, the techniques used, the expected duration of the treatment, if known, and the fee structure; or
(iv) information regarding the individuals who have or have had access to confidential data related to the care of the patient, including evaluations, assessments, diagnoses, prevention or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of treatment, including video recording, live stream, or in-person observations of psychotherapy or other treatment methods.

(2) "Unprofessional conduct" under this chapter may be further defined by division rule.
(3) Notwithstanding Section 58-1-401, the division may not act upon the license of a licensee for unprofessional conduct under Subsection (1)(d).

Amended by Chapter 420, 2024 General Session

58-60-111 Penalty for unlawful conduct.

An individual who commits any act of unlawful conduct as defined in:
(1) Subsection 58-60-109(1) or (2) is guilty of a third degree felony; or
(2) Subsection 58-60-109(3) is guilty of a class A misdemeanor.

Enacted by Chapter 32, 1994 General Session

58-60-112 Reporting of unprofessional or unlawful conduct -- Immunity from liability -- Reporting conduct of court-appointed therapist.

(1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section 58-60-102 by a person licensed under this chapter or an individual not licensed under this chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary action by a licensed health care facility, professional practice group, or professional society, or that results in a significant adverse impact upon the public health, safety, or welfare, the following shall report the conduct in writing to the division within 10 days after learning of the disciplinary action or the conduct unless the individual or person knows it has been reported:
(a) a licensed health care facility or organization in which an individual licensed under this chapter engages in practice;
(b) an individual licensed under this chapter; and
(c) a professional society or organization whose membership is individuals licensed under this chapter and which has the authority to discipline or expel a member for acts of unprofessional or unlawful conduct.
(2) Any individual reporting acts of unprofessional or unlawful conduct by an individual licensed under this chapter is immune from liability arising out of the disclosure to the extent the individual furnishes the information in good faith and without malice.
(3)
(a) As used in this Subsection (3):

(i) "Court-appointed therapist" means a mental health therapist ordered by a court to provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.
(ii) "Domestic case" means a proceeding under:
(A) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
(B) Title 81, Chapter 4, Dissolution of Marriage;
(C) Title 81, Chapter 5, Uniform Parentage Act;
(D) Title 81, Chapter 9, Custody, Parent-time, and Visitation; or
(E) Title 81, Chapter 11, Uniform Child Custody Jurisdiction and Enforcement Act.
(b) If a court appoints a court-appointed therapist in a domestic case, a party to the domestic case may not file a report against the court-appointed therapist for unlawful or unprofessional conduct during the pendency of the domestic case, unless:
(i) the party has requested that the court release the court-appointed therapist from the appointment; and
(ii) the court finds good cause to release the court-appointed therapist from the appointment.

Amended by Chapter 426, 2025 General Session

58-60-113 Evidentiary privilege.

Evidentiary privilege for mental health therapists regarding admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506 of the Utah Rules of Evidence.

Enacted by Chapter 32, 1994 General Session

58-60-114 Confidentiality -- Exemptions.

(1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a mental health therapist under this chapter may not disclose any confidential communication with a client or patient without the express written consent of:
(a) the client or patient;
(b) the parent or legal guardian of a minor client or patient; or
(c) a person authorized to consent to the disclosure of the confidential communication by the client or patient in a written document:
(i) that is signed by the client or the patient; and
(ii) in which the client's or the patient's signature is reasonably verifiable.
(2) A mental health therapist under this chapter is not subject to Subsection (1) if:
(a) the mental health therapist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
(i) reporting under Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
(ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
(iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
(iv) reporting of a communicable disease as required under Section 26B-7-206;
(b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
(c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 329, 2023 General Session

58-60-115 License by endorsement.

The division shall issue a license by endorsement under this chapter to a person who:

(1) submits an application on a form provided by the division;

(2) pays a fee determined by the department under Section 63J-1-504;

(3) provides documentation of current licensure in good standing in a state, district, or territory of the United States to practice in the profession for which licensure is being sought;

(4) except as provided in Subsection (5), provides documentation that the person has engaged in the lawful practice of the profession for which licensure is sought for at least 4,000 hours, of which 1,000 hours are in mental health therapy;

(5) if applying for a license to practice as a licensed substance use disorder counselor, provides documentation that the person:

(a) has engaged in the lawful practice of the profession for at least 4,000 hours; and

(b) has passed an examination approved by the division, by rule, to establish proficiency in the profession;

(6) has passed the profession specific jurisprudence examination if required of a new applicant; and

(7) is of good professional standing, and has no disciplinary action pending or in effect against the applicant's license in any jurisdiction.

Amended by Chapter 339, 2020 General Session

58-60-115.2 Pre-existing license by endorsement.

A person who, on May 11, 2010, has a valid license by endorsement under Section 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements of Subsection 58-60-115(4) if the person provides documentation that the person has engaged in:

(1) the lawful practice of the person's profession, including mental health therapy, for not less than 4,000 hours during the three years immediately preceding the date of application for licensure in Utah; or

(2) the lawful practice of the profession for which licensure is sought for not less than 4,000 hours, of which 1,000 hours are in mental health therapy.

Enacted by Chapter 214, 2010 General Session

58-60-117 Externship licenses.

(1) The division shall issue a temporary license under Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act, of this chapter to a person that:

(a) submits an application for licensure under Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act;

(b) pays a fee the division determines in accordance with Section 63J-1-504;

(c) holds an earned doctoral degree or master's degree in a discipline that is a prerequisite for practice as a mental health therapist;

(d) has a deficiency, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in course work;

(e) provides mental health therapy as an employee of a public or private organization, which provides mental health therapy, while under the supervision of a person licensed under this chapter; and

(f) has no disciplinary action pending or in effect against the applicant in connection with the practice of mental health therapy, in any jurisdiction.

(2) A temporary license issued under this section shall expire upon the earlier of:

(a) issuance of the license applied for; or

(b) unless the deadline is extended for good cause as the division determines, three years from the date the temporary license was issued.

(3) The temporary license issued under this section is an externship license.

Amended by Chapter 64, 2026 General Session

58-60-118 Mental health chatbots -- Affirmative defense.

(1) As used in this section:

(a) "Mental health chatbot" means the same as that term is defined in Section 13-72a-101.

(b) "Supplier" means the same as that term is defined in Section 13-11-3.

(2) It is an affirmative defense to liability in an action brought under Subsection 58-1-501(1) or Subsection 58-1-501(2) if the supplier demonstrates that the supplier:

(a) created, maintained, and implemented a policy that meets the requirements of Subsection (3);

(b) maintains documentation regarding the development and implementation of the mental health chatbot that describes:

(i) foundation models used in development;

(ii) training data used;

(iii) compliance with federal health privacy regulations;

(iv) user data collection and sharing practices; and

(v) ongoing efforts to ensure accuracy, reliability, fairness, and safety;

(c) filed the policy with the division as described in Subsection (4); and

(d) complied with all requirements of the filed policy at the time of the alleged violation.

(3) A policy described in Subsection (2)(a) must:

(a) be in writing;

(b) clearly state:

(i) the intended purposes of the mental health chatbot; and

(ii) the abilities and limitations of the mental health chatbot; and

(c) describe the procedures by which the supplier:

(i) ensures that licensed mental health therapists are involved in the development and review process;

(ii) ensures the mental health chatbot is developed and monitored in a manner consistent with clinical best practices;

(iii) conducts testing, prior to making the mental health chatbot publicly available and regularly thereafter, to ensure that the output of the mental health chatbot poses no greater risk to a user than that posed to an individual in therapy with a licensed mental health therapist;

(iv) identifies reasonably foreseeable adverse outcomes to, and potentially harmful interactions with, users that could result from using the mental health chatbot;

(v) provides a mechanism for a user to report any potentially harmful interactions from use of the mental health chatbot;

(vi) implements protocols to assess and respond to risk of harm to users or other individuals;

(vii) details actions taken to prevent or mitigate any such adverse outcomes or potentially harmful interactions;

(viii) implements protocols to respond in real time to acute risk of physical harm;

(ix) reasonably ensures regular, objective reviews of safety, accuracy, and efficacy, which may include internal or external audits;
(x) provides users any necessary instructions on the safe use of the mental health chatbot;
(xi) ensures users understand they are interacting with artificial intelligence;
(xii) ensures users understand the intended purpose, capabilities, and limitations of the mental health chatbot;
(xiii) prioritizes user mental health and safety over engagement metrics or profit;
(xiv) implements measures to prevent discriminatory treatment of users; and
(xv) ensures compliance with the security and privacy provisions of 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A, C, and E, as if the supplier were a covered entity, and applicable consumer protection requirements, including Sections 13-72a-201, 13-72a-202, and 13-72a-203.

(4) To file a policy with the division under this section, a supplier of a mental health chatbot:
(a) shall provide to the division:
(i) the name and address of the supplier;
(ii) the name of the mental health chatbot supplied by the supplier;
(iii) the written policy described in Subsection (3); and
(iv) a fee set in accordance with Section 63J-1-504;
(b) shall file in a manner established by the division; and
(c) may provide to the division:
(i) any revisions to a policy filed under this section; or
(ii) any other documentation the supplier elects to provide.

(5) The division:
(a) shall provide a means for a supplier of a mental health chatbot to file under this section; and
(b) may impose an annual filing fee set in accordance with Section 63J-1-504.

(6) The affirmative defense described in this section applies only in an administrative or civil action alleging a violation of:
(a) Subsection 58-1-501(1); or
(b) Subsection 58-1-501(2).

(7) Nothing in this section shall be construed to:
(a) bar the division from bringing an action under Subsection 58-1-501(1) or Subsection 58-1-501(2) against the supplier of a mental health chatbot; or
(b) recognize a mental health chatbot as a licensed mental health therapist.

Enacted by Chapter 269, 2025 General Session

58-60-119 Mental Health Professionals Education and Enforcement Fund.

(1) There is created an expendable special revenue fund known as the "Mental Health Professionals Education and Enforcement Fund."
(2) The fund consists of money from administrative penalties collected pursuant to this chapter.
(3) The fund shall earn interest, and all interest earned on fund money shall be deposited into the fund.
(4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
(a) education and training of licensees under this chapter;
(b) education and training of the public or other interested persons in matters concerning the laws governing the practices licensed under this chapter; and
(c) enforcement of this chapter by:

(i) investigating unprofessional or unlawful conduct; and
(ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
(5) If the balance in the fund exceeds $100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
(6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Enacted by Chapter 367, 2025 General Session

Part 2
Social Worker Licensing Act

58-60-201 Title.
This part is known as the "Social Worker Licensing Act."

Enacted by Chapter 32, 1994 General Session

58-60-202 Definitions.
In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:
(1)
(a) "Practice as a social service worker" means performance of general entry level services under general supervision of a mental health therapist through the application of social work theory, methods, and ethics in order to enhance the social or psychosocial functioning of an individual, a couple, a family, a group, or a community, including:
(i) conducting:
(A) a non-clinical psychosocial assessment; or
(B) a home study;
(ii) collaborative planning and goal setting, including drafting initial treatment plans, if:
(A) the treatment plan is for a client with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
(B) before treatment begins, the mental health therapist has reviewed and approved the treatment plan, and the client has been given an opportunity to consult with the mental health therapist; and
(C) the social service worker is authorized in writing by a licensed health facility, as defined in Section 26B-2-201, or a licensed human service program, as defined in Section 26B-2-101;
(iii) ongoing case management;
(iv) progress monitoring, including drafting treatment plan reviews and updates, if the requirements of Subsections (1)(a)(ii)(A) through (C) have been met;
(v) supportive counseling and psychosocial education, including:
(A) providing individual and group support and psychosocial education related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
(B) providing evidence-based, manualized therapeutic interventions according to a treatment plan approved by a mental health therapist, while under the supervision of a mental health

therapist, in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by the mental health therapist; and

(C) co-facilitating group therapy with a mental health therapist;

(vi) information gathering;

(vii) making referrals, including crisis referrals;

(viii) engaging in advocacy;

(ix) care navigation; and

(x) the supervision and training of social work students of an accredited institution who are seeking bachelor's degrees in social work, if the social service worker has two years of post-licensure work experience.

(b) Except for the acts described in Subsection (1)(a)(v)(B), "practice as a social service worker" does not include:

(i) diagnosing or treating mental illness; or

(ii) providing psychotherapeutic services to an individual, couple, family, group, or community.

(2) "Practice of clinical social work" includes:

(a) the practice of mental health therapy by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the symptoms of any of these, or maladaptive behavior;

(b) the application of generally recognized psychotherapeutic and social work principles and practices requiring the education, training, and clinical experience of a clinical social worker; and

(c) supervision of the practice of a certified social worker or social service worker as the supervision is required under this chapter and as further defined by division rule.

(3) "Practice of certified social work" includes:

(a) the supervised practice of mental health therapy by a clinical social worker by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive behavior;

(b) the supervised or independent and unsupervised application of generally recognized professional social work principles and practices requiring the education, training, and experience of a certified social worker; and

(c) supervision of the practice of a social service worker as the supervision is required under this chapter and as further defined by division rule.

(4) "Program accredited by the Council on Social Work Education" means a program that:

(a) was accredited by the Council on Social Work Education on the day on which the applicant for licensure satisfactorily completed the program; or

(b) was in candidacy for accreditation by the Council on Social Work Education on the day on which the applicant for licensure satisfactorily completed the program.

(5) "Supervision of a social service worker" means supervision conducted by an individual licensed as a mental health therapist under this title in accordance with division rules made in collaboration with the board.

Amended by Chapter 420, 2024 General Session

58-60-204 License classifications.

The division shall issue licenses and certifications to individuals qualified under this part in the classifications:
(1) clinical social worker;
(2) certified social worker; and
(3) social service worker.

Amended by Chapter 283, 2023 General Session

58-60-205 Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.
(1) An applicant for licensure as a clinical social worker shall:
(a) submit an application on a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203;
(d) if required under federal law for any licensee as a clinical social worker to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
(i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
(ii) not less than two years of clinical supervision;
(e) document successful completion of not less than 1,200 direct client care hours:
(i) obtained after completion of the education requirements under Subsection (1)(c);
(ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
(iii) not less than 25 of which are direct observation hours; and
(iv) not more than 25 of which are group supervision hours accrued concurrently with more than one other applicant for licensure;
(f) document successful completion of not less than two hours of training in suicide prevention, obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
(g) have completed a case work, group work, or family treatment course sequence with a clinical practicum in content as defined by rule under Section 58-1-203;
(h)
(i) pass the examination requirement established by rule under Section 58-1-203; or
(ii) satisfy the following requirements:
(A) document at least one examination attempt that did not result in a passing score;
(B) document successful completion of not less than 500 additional direct client care hours, at least 25 of which are direct clinical supervision hours, and at least five of which are direct observation hours;
(C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and

(D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

(i)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(2) An applicant for licensure as a certified social worker shall:

(a) submit an application on a form the division approves;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

(d)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (2)(d)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(3) An applicant for licensure as a social service worker shall:

(a) submit an application on a form the division approves;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a bachelor's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work;

(ii) a master's degree in a field approved by the division in collaboration with the board;

(iii) a bachelor's degree in any field if the applicant:

(A) has completed at least three semester hours, or the equivalent, in each of the following areas:

(I) social welfare policy;

(II) human growth and development; and

(III) social work practice methods, as defined by rule; and

(B) provides documentation that the applicant has completed at least 2,000 hours of qualifying experience under the supervision of a mental health therapist, which experience is approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (3); or

(iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum.

(4) The division shall ensure that the rules for an examination described under Subsection (1)(h)(i) allow additional time to complete the examination if requested by an applicant who is:
(a) a foreign born legal resident of the United States for whom English is a second language; or
(b) an enrolled member of a federally recognized Native American tribe.

Amended by Chapter 443, 2025 General Session

58-60-205.5 Continuing education.

As a condition for renewal of a license under this part, a social service worker licensee shall, during each two-year licensure cycle, complete qualified continuing professional education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 214, 2010 General Session

58-60-206 Qualifications for admission to examination.

All applicants for admission to an examination qualifying an individual for licensure under this part shall, before taking the examination:
(1) submit an application for examination on a form provided by the division;
(2) pay the fee established for the examination; and
(3) certify under penalty of perjury as evidenced by notarized signature on the application for examination that the applicant:
(a) has completed the education requirement and been awarded the earned degree required for licensure; or
(b) has only one semester, or the equivalent, remaining before the applicant completes the education requirement for earning the degree that is required for licensure.

Amended by Chapter 262, 2013 General Session

58-60-207 Scope of practice -- Limitations.

(1) A clinical social worker may engage in all acts and practices defined as the practice of clinical social work without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.
(2) To the extent an individual is professionally prepared by the education and training track completed while earning a master's or doctor of social work degree, a licensed certified social worker may engage in all acts and practices defined as the practice of certified social work consistent with the licensee's education, clinical training, experience, and competence:
(a) under supervision of an individual described in Subsection 58-60-205(2)(d)(ii) and as an employee of another person when engaged in the practice of mental health therapy;
(b) without supervision and in private and independent practice or as an employee of another person, if not engaged in the practice of mental health therapy;
(c) including engaging in the private, independent, unsupervised practice of social work as a self-employed individual, in partnership with other mental health therapists, as a professional corporation, or in any other capacity or business entity, so long as the individual does not practice unsupervised psychotherapy; and
(d) supervising social service workers as the division provides by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 64, 2026 General Session

Part 3
Marriage and Family Therapist Licensing Act

58-60-301 Title.

This part is known as the "Marriage and Family Therapist Licensing Act."

Enacted by Chapter 32, 1994 General Session

58-60-302 Definitions.

In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

(1) "Assess" means the use of diagnostic procedures, tests, and interview techniques generally accepted as standard in mental health therapy to diagnose any condition related to mental, emotional, behavioral, and social disorders or dysfunctions.

(2) "Practice of marriage and family therapy" includes:

(a) the process of providing professional mental health therapy including psychotherapy to individuals, couples, families, or groups;

(b) utilizing established principles that recognize the interrelated nature of individual problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional, and behavioral disorders;

(c) individual, premarital, relationship, marital, divorce, and family therapy;

(d) specialized modes of treatment for the purpose of diagnosing and treating mental, emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction, and promoting mental health; and

(e) assessment utilized to develop, recommend, and implement appropriate plans of treatment, dispositions, and placement related to the functioning of the individual, couple, family, or group.

Amended by Chapter 420, 2024 General Session

58-60-304 License classifications.

The division shall issue licenses to individuals qualified under this part in the classification of:

(1) marriage and family therapist; or

(2) associate marriage and family therapist.

Amended by Chapter 214, 2010 General Session

58-60-305 Qualifications for licensure.

(1) An applicant for licensure as a marriage and family therapist shall:

(a) submit an application on a form the division approves;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) produce certified transcripts evidencing completion of a master's or doctorate degree in marriage and family therapy from:

(i) a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or

(ii) an accredited institution meeting criteria for approval established by rule under Section 58-1-203;

(d) if required under federal law for any licensee as a marriage and family therapist to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:

(i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or

(ii) not less than two years of clinical supervision;

(e) document successful completion of not less than 1,200 direct client care hours:

(i) obtained after completion of the education requirements under Subsection (1)(c);

(ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor obtained after completion of the education requirements under Subsection (1)(c);

(iii) not less than 25 of which are direct observation hours; and

(iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;

(f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;

(g)

(i) pass the examination requirement the division establishes by rule under Section 58-1-203; or

(ii) satisfy the following requirements:

(A) document at least one examination attempt that did not result in a passing score;

(B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a mental health therapist or supervisor;

(C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and

(D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

(h)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(2) An applicant for licensure as an associate marriage and family therapist shall comply with the provisions of Subsections (1)(a) through (c) and (h).

Amended by Chapter 443, 2025 General Session

58-60-305.5 Qualification for licensure before May 1, 2000.

(1) A person who was licensed under this chapter as of May 1, 2000, may apply for renewal of licensure without being required to fulfill the educational requirements described in Subsection 58-60-305(1)(c).

(2) A person who seeks licensure under this chapter before July 1, 2002, need comply only with the licensure requirements in effect before May 1, 2000.

Amended by Chapter 339, 2020 General Session

58-60-306 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:

(1) submit an application on a form provided by the division;

(2) pay the fee established for the examination; and

(3) certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant has completed the education requirement and been awarded the earned degree required for licensure.

Enacted by Chapter 32, 1994 General Session

58-60-308 Scope of practice -- Limitations.

(1) A licensed marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(2)

(a) To the extent an individual has completed the educational requirements of Subsection 58-60-305(1)(c), a licensed associate marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy if the practice is:

(i) within the scope of employment as a licensed associate marriage and family therapist with a public agency or a private clinic as defined by division rule; and

(ii) under the supervision of a licensed mental health therapist who is qualified as a supervisor under Section 58-60-307.

(b) A licensed associate marriage and family therapist may not engage in the independent practice of marriage and family therapy.

Amended by Chapter 339, 2020 General Session

Part 4
Clinical Mental Health Counselor Licensing Act

58-60-401 Title.

This part is known as the "Clinical Mental Health Counselor Licensing Act."

Amended by Chapter 179, 2012 General Session

58-60-402 Definitions.

In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part,"practice of clinical mental health counseling" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized clinical mental health counseling principles, methods, and procedures for the purpose of preventing, treating, or

eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior.

Amended by Chapter 420, 2024 General Session

58-60-404 License classifications.

The division shall issue licenses to individuals qualified under the provisions of this part in the classification of:
(1) a clinical mental health counselor; or
(2) an associate clinical mental health counselor.

Amended by Chapter 179, 2012 General Session

58-60-405 Qualifications for licensure.

(1) An applicant for licensure as a clinical mental health counselor shall:
(a) submit an application on a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) produce certified transcripts evidencing completion of:
(i) a master's or doctorate degree conferred to the applicant in:
(A) clinical mental health counseling, clinical rehabilitation counseling, counselor education and supervision from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs; or
(B) clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation that is recognized by the Council for Higher Education Accreditation; and
(ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i);
(d) if required under federal law for any licensee as a clinical mental health counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
(i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
(ii) not less than two years of clinical supervision;
(e) document successful completion of not less than 1,200 direct client care hours:
(i) obtained after completion of the education requirements under Subsection (1)(c);
(ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
(iii) not less than 25 of which are direct observation hours; and
(iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
(f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
(g)
(i) pass the examination requirement the division establishes by rule under Section 58-1-203; or
(ii) satisfy the following requirements:
(A) document at least one examination attempt that did not result in a passing score;

(B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
(C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
(D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

(h)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves.

(2) An applicant for licensure as an associate clinical mental health counselor shall comply with the provisions of Subsections (1)(a) through (1)(d) and (1)(h).
(3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement described in Subsection (1)(c) if the applicant submits documentation verifying:
(a) satisfactory completion of a doctoral or master's degree from an educational program in rehabilitation counseling accredited by the Council for Accreditation of Counseling and Related Educational Programs;
(b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i); and
(c) that the applicant received a passing score on the National Counselor Examination.

Amended by Chapter 64, 2026 General Session

58-60-406 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:
(1) submit an application on a form provided by the division;
(2) pay the fee established by division rule for the examination; and
(3) certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant has completed the education requirement and been awarded the earned degree required for licensure.

Enacted by Chapter 32, 1994 General Session

58-60-407 Scope of practice -- Limitations.

(1) A licensed clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.
(2)
(a) To the extent an individual has completed the educational requirements of Subsection 58-60-305(1)(c), a licensed associate clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling if the practice is:

(i) within the scope of employment as a licensed clinical mental health counselor with a public agency or private clinic as defined by division rule; and
(ii) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.
(b) A licensed associate clinical mental health counselor may not engage in the independent practice of clinical mental health counseling.

Amended by Chapter 420, 2024 General Session

Part 5
Substance Use Disorder Counselor Act

58-60-501 Title.
This part is known as the "Substance Use Disorder Counselor Act."

Amended by Chapter 179, 2012 General Session

58-60-502 Definitions.
As used in this part:
(1)
(a) "Counseling" means a collaborative process that facilitates the client's progress toward mutually determined treatment goals and objectives.
(b) "Counseling" includes:
(i) methods that are sensitive to an individual client's characteristics, to the influence of significant others, and to the client's cultural and social context; and
(ii) an understanding, appreciation, and ability to appropriately use the contributions of various addiction counseling models as the counseling models apply to modalities of care for individuals, groups, families, couples, and significant others.
(2) "Direct supervision" means:
(a) a minimum of one hour of supervision by a supervisor of the substance use disorder counselor for every 40 hours of client care provided by the substance use disorder counselor, which supervision may include group supervision;
(b) the supervision is conducted in a face-to-face manner, unless the division otherwise approves in collaboration with the board; and
(c) a supervisor is available for consultation with the counselor at all times.
(3) "General supervision" shall be defined by division rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(4) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.
(5) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.
(6) "Practice as an advanced substance use disorder counselor" means:
(a) providing the services described in Subsections (9)(a) and (b);
(b) screening and assessing of individuals, including identifying substance use disorder symptoms and behaviors and co-occurring mental health issues;

(c) treatment planning for substance use disorders, including initial planning, reviewing and updating treatment plans for substance use disorders, ongoing intervention, continuity of care, discharge planning, planning for relapse prevention, and long term recovery support;
(d) supervising a substance use disorder counselor in accordance with Subsection 58-60-508(2); and
(e) conducting supportive counseling and psychosocial education for substance use disorders and co-occurring mental health disorders, including:
(i) providing individual and group support;
(ii) providing individual and group psychosocial education; and
(iii) providing manualized therapeutic interventions if:
(A) conducted under the supervision of a mental health therapist;
(B) for the treatment of mild to moderate behavioral health symptoms or disorders, as a mental health therapist diagnoses; and
(C) consistent with the client's treatment plan that a mental health therapist approves.
(7) "Practice as a master addiction counselor" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior:
(a) by the application of generally recognized substance use disorder counseling and addiction counseling principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior; and
(b) under the supervision of an advanced substance use disorder counselor or a substance use disorder counselor.
(8) "Practice as an associate master addiction counselor" means the same as the practice as a master addiction counselor, except while under the supervision of a clinical supervisor.
(9)
(a) "Practice as a substance use disorder counselor" means providing services as an employee of a substance use disorder agency under the general supervision of a licensed mental health therapist to individuals or groups of persons, whether in person or remotely, for conditions of substance use disorders consistent with the education and training of a substance use disorder counselor required under this part, and the standards and ethics of the profession as the division approves in collaboration with the board.
(b) "Practice as a substance use disorder counselor" includes:
(i) administering the screening process by which a client is determined to need substance use disorder services, which may include screening, brief intervention, and treatment referral;
(ii) conducting the administrative intake procedures for admission to a program;
(iii) conducting orientation of a client, including:
(A) describing the general nature and goals of the program;
(B) explaining rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program;
(C) explaining hours during which services are available in a nonresidential program;
(D) treatment costs to be borne by the client, if any; and
(E) describing the client's rights as a program participant;
(iv) conducting assessment procedures by which a substance use disorder counselor gathers information related to an individual's strengths, weaknesses, needs, and substance use disorder symptoms for the development of the treatment plan;

(v) participating in the process of treatment planning, including recommending specific interventions to support existing treatment goals and objectives developed by the substance use disorder counselor, the mental health therapist, and the client to:
(A) identify and rank problems needing resolution;
(B) establish agreed upon immediate and long term goals; and
(C) decide on a treatment process and the resources to be utilized;
(vi) monitoring compliance with treatment plan progress;
(vii) providing substance use disorder counseling services to alcohol and drug use disorder clients and significant people in the client's life as part of a comprehensive treatment plan, including:
(A) leading specific task-oriented groups, didactic groups, and group discussions;
(B) cofacilitating group therapy with a licensed mental health therapist; and
(C) engaging in one-on-one interventions and interactions coordinated by a mental health therapist;
(viii) performing case management activities that bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals, including, when appropriate, liaison activities and collateral contacts;
(ix) providing substance use disorder crisis intervention services;
(x) providing client education to individuals and groups concerning alcohol and other substance use disorders, including identification and description of available treatment services and resources;
(xi) identifying the needs of the client that cannot be met by the substance use disorder counselor or substance use disorder agency and referring the client to appropriate services and community resources;
(xii) developing and providing effective reporting and recordkeeping procedures and services, which include charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data; and
(xiii) consulting with other professionals in regard to client treatment and services to assure comprehensive quality care for the client.
(c) "Practice as a substance use disorder counselor" does not include:
(i) the diagnosing of mental illness, including substance use disorders, as defined in Section 58-60-102;
(ii) engaging in the practice of mental health therapy as defined in Section 58-60-102; or
(iii) the performance of a substance use disorder diagnosis, other mental illness diagnosis, or psychological testing.
(10) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.
(11) "Recovery support services" means services provided to an individual who is identified as having need of substance use disorder preventive or treatment services, either before, during, or after an episode of care that meets the level of care standards the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(12) "Substance use disorder agency" means a public or private agency, health care facility, or health care practice that:
(a) provides substance use disorder services, recovery support services, primary health care services, or substance use disorder preventive services; and
(b) employs qualified mental health therapists in sufficient number to:
(i) evaluate the condition of clients being treated by each counselor licensed under this part and employed by the substance use disorder agency; and

(ii) ensure that appropriate substance use disorder services are being given.
(13) "Substance use disorder education program" means a formal program of substance use disorder education offered by an accredited institution of higher education that meets standards the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 64, 2026 General Session

58-60-504 License classification.

The division shall issue substance use disorder counselor licenses to individuals qualified under this part in the classification of:
(1) master addiction counselor;
(2) associate master addiction counselor;
(3) licensed advanced substance use disorder counselor; and
(4) licensed substance use disorder counselor.

Amended by Chapter 420, 2024 General Session

58-60-506 Qualifications for licensure.

(1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based on education, training, and experience shall:
(a) submit an application on a form the division approves;
(b) pay a fee the division determines in accordance with Section 63J-1-504;
(c) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(d) via a course that the division designates as approved;
(d) produce a certified transcript from an accredited institution of higher education that meets standards the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with Section 58-1-203, verifying the satisfactory completion of:
(i) a doctoral or master's degree in:
(A) substance use disorders or addiction counseling and treatment; or
(B) a counseling subject the division approves in collaboration with the board, which may include social work, mental health counseling, marriage and family therapy, psychology, or medicine;
(ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or addiction counseling and treatment from a regionally accredited institution of higher education;
(e) if required under federal law for any licensee as a master addiction counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
(i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(g); or
(ii) not less than two years of clinical supervision;
(f) document successful completion of not less than 1,200 direct client care hours:
(i) obtained after completion of the education requirements under Subsection (1)(d)(ii);
(ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
(iii) not less than 25 of which are direct observation hours; and

(iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;

(g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii), evidence completion of an additional 200 hours of direct client care hours in substance use disorder or addiction treatment;

(h)

(i) pass the examination requirement the division makes by rule in accordance with Section 58-1-203; or

(ii) satisfy the following requirements:

(A) document at least one examination attempt that did not result in a passing score;

(B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;

(C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and

(D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

(i)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for licensure as master addiction counselor may document current certification in good standing as:

(a) a master addiction counselor by the National Certification Commission for Addiction Professionals;

(b) a master addiction counselor by the National Board for Certified Counselors; or

(c) an equivalent certification as under Subsections (2)(a) and (b), the division determines by rule the division makes in collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) An applicant for licensure as an associate master addiction counselor shall satisfy the requirements under Subsections (1)(a) through (1)(c) and (1)(i).

(4) Subject to Subsection (5), an applicant for licensure as an advanced substance use disorder counselor shall:

(a) submit an application on a form the division approves;

(b) pay a fee the division determines in accordance with Section 63J-1-504;

(c) document successful completion of at least two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (4)(d) via a course that the division designates as approved; and

(d)

(i) produce certified transcripts verifying satisfactory completion of:

(A) a bachelor's degree or higher, from a regionally accredited institution of higher learning, in substance use disorders, addiction, or related counseling subjects, including social work, mental health counseling, marriage and family counseling, or psychology; or

(B) two academic years of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission;

(ii) document completion of at least 500 hours of supervised experience while licensed as a substance use disorder counselor under this section, which the applicant may complete while completing the education requirements under Subsection (1)(d)(i); and
(iii) satisfy examination requirements the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(5) An applicant for licensure as an advanced substance use disorder counselor may satisfy the requirements of Subsection (4)(d) by providing official verification of current certification in good standing:
(a)
(i) as a National Certified Addiction Counselor Level II (NCAC II) from the National Certification Commission for Addiction Professionals (NCC AP); or
(ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International Certification and Reciprocity Consortium; or
(b) of substantive equivalence to the certifications under Subsection (5)(a), as the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(6) In accordance with division rules, an applicant for licensure as a substance use disorder counselor shall produce:
(a) certified transcripts from an accredited institution that:
(i) meet division standards; and
(ii) verify the completion of prerequisite courses the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) documentation of the applicant's completion of a substance use disorder education program that includes:
(i) completion of at least 200 hours of substance use disorder related education;
(ii) included in the 200 hours described in Subsection (6)(b)(i), a minimum of two hours of training in suicide prevention via a course that the division designates as approved; and
(iii) completion of a supervised practicum.

Amended by Chapter 64, 2026 General Session

58-60-507 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:
(1) submit an application on a form provided by the division; and
(2) pay the fee established for the examination.

Amended by Chapter 283, 2007 General Session

58-60-508 Substance use disorder counselor supervisor's qualifications -- Functions.

(1) A mental health therapist supervisor of a substance use disorder counselor shall:
(a) be qualified by education or experience to treat substance use disorders;
(b) be currently working in the substance use disorder treatment field;
(c) review substance use disorder counselor assessment procedures and recommendations;
(d) provide substance use disorder diagnosis and other mental health diagnoses in accordance with Subsection 58-60-102(7);
(e) supervise the development of a treatment plan;
(f) approve the treatment plan; and

(g) provide direct supervision for not more than six persons, unless granted an exception in writing from the board and the division.

(2) A licensed advanced substance use disorder counselor may act as the supervisor of a licensed substance use disorder counselor if the licensed advanced substance use disorder counselor:

(a) has at least two years of experience as a licensed advanced substance use disorder counselor;

(b) is currently working in the substance use disorder field; and

(c) provides direct supervision for no more than six individuals, unless granted an exception in writing from the board and the division.

Amended by Chapter 64, 2026 General Session

58-60-509 Confidentiality -- Exemptions.

(1) A licensee under this part may not disclose any confidential communication with a client or patient without the express consent of:

(a) the client or patient;

(b) the parent or legal guardian of a minor client or patient; or

(c) the authorized agent of a client or patient.

(2) A licensee under this part is not subject to Subsection (1) if:

(a) the licensee is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:

(i) reporting under Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult;

(ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;

(iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or

(iv) reporting of a communicable disease as required under Section 26B-7-206;

(b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or

(c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 329, 2023 General Session

58-60-510 Evidentiary privilege.

Evidentiary privilege for a licensee under this part concerning admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506, Utah Rules of Evidence.

Amended by Chapter 283, 2007 General Session

58-60-512 Scope of practice -- Limitations.

(1) An individual who is licensed as a master addiction counselor:

(a) may engage in practice as a licensed master addiction counselor without supervision, in private and independent practice or as an employee of another person, limited only by the licensee's education, training, and competence; and

(b) may engage in the practice of mental health therapy.

(2) To the extent an individual has completed the educational requirements of Section 58-60-506, a licensed associate master addiction counselor may engage in the practice as a licensed master addiction counselor and licensed advanced substance use disorder counselor if the practice is:
(a) within the scope of employment as a licensed master addiction counselor or a licensed advanced substance use disorder counselor with, as defined by the division in rule, a public agency or private clinic; and
(b) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.
(3) A licensed associate master addiction counselor may not engage in the unsupervised practice of master addiction counseling.

Enacted by Chapter 420, 2024 General Session

Part 6
Behavioral Health Coach and Technician Licensing Act

58-60-601 Definitions.
As used in this part:
(1) "Health care facility" means the same as that term is defined in Section 26B-2-201.
(2) "Human services program" means the same as that term is defined in Section 26B-2-101.
(3) "Practice of mental health therapy" means the same as that term is defined in Section 58-60-102.
(4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing services as an employee of a substance use disorder or mental health agency, and working under the general supervision of a mental health therapist and includes:
(a) providing services under the definition of practice as a behavioral health technician in Subsection (6);
(b) conducting administrative and care coordination activities, including:
(i) providing targeted case management;
(ii) providing care navigation services, including:
(A) connecting individuals to behavioral health resources and social services; and
(B) facilitating communication with other behavioral health providers;
(iii) providing referrals and crisis referrals, including:
(A) engaging in warm handoffs with other behavioral health providers; and
(B) adhering to a standardized protocol in responding to a crisis or risk of crisis within a behavioral health facility, program, or other entity;
(iv) providing additional support to other behavioral health providers, facilities, programs, and entities, including:
(A) conducting administrative activities; and
(B) extending non-clinical behavioral health support; and
(v) providing discharge, post-treatment referral, and non-clinical after-care services;
(c) conducting patient assessment, monitoring, and planning activities, including:
(i) conducting non-clinical psychosocial assessments and screenings;
(ii) conducting collaborative planning, care planning, and goal setting;
(iii) gathering information to inform a mental health therapist's:
(A) diagnostic evaluations;

(B) initial treatment plans; and
(C) treatment plan reviews and updates;
(iv) monitoring client progress and tracking outcomes to inform a mental health therapist's:
(A) diagnostic evaluations; and
(B) treatment plan reviews and updates;
(v) assisting in drafting initial treatment plans by gathering information on a client's history and demographics, only:
(A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(B) with completion of the treatment plan by a mental health therapist after assessing the client before treatment begins; and
(C) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and
(vi) assisting in the information gathering process of reviewing and updating treatment goals, only:
(A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
(B) with completion of the treatment plan from a mental health therapist after assessing the client before subsequent treatment begins; and
(C) at the discretion of and with prior documented authorization from a licensed health facility or a licensed human service program; and
(d) conducting intervention and treatment activities, including:
(i) providing psychosocial education groups related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
(ii) providing other interventions to enhance client social skills, emotional well-being, and overall functioning, including:
(A) supportive consultations;
(B) habilitation services; and
(C) activity-based programs;
(iii) providing evidence-based, manualized interventions, only:
(A) under the supervision of a mental health therapist;
(B) in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as the division defines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(C) according to a treatment plan reviewed and signed by a mental health therapist after assessing the client before treatment begins; and
(D) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and
(iv) co-facilitating group therapy with a mental health therapist.
(5) "Practice as a behavioral health coach" does not include engaging in the practice of mental health therapy.
(6)
(a) "Practice as a behavioral health technician" means working under the general supervision of a mental health therapist and includes:
(i) supporting administrative and care coordination activities, including:

(A) maintaining accurate and confidential client records, progress notes, and incident reports, in compliance with applicable legal and ethical standards; and
(B) assisting in discharge, referral, and after-care documentation, coordination, and administration;
(ii) supporting patient non-clinical assessment, monitoring, and care planning activities, including:
(A) collecting intake and non-clinical psychosocial assessment information;
(B) gathering information to support diagnostic and treatment planning activities conducted by a mental health therapist; and
(C) observing, documenting, and reporting on client behaviors, treatment interventions, progress, and outcomes to a mental health therapist;
(iii) supporting intervention and treatment activities, including:
(A) supporting licensed professionals in implementing interventions designed to address behavioral health issues;
(B) facilitating psychoeducational groups or activities, development skills or activities, or social support groups or activities to enhance client social skills, emotional well-being, and overall functioning;
(C) providing education and support to clients and their families on behavioral health issues, treatment options, and community resources;
(D) implementing behavioral management strategies including de-escalation techniques and crisis intervention as needed; and
(E) implementing crisis intervention strategies in accordance with established protocols, and ensuring the safety and well-being of clients during emergencies.
(b) "Practice as a behavioral health technician" does not include:
(i) engaging in the practice of mental health therapy; or
(ii) serving as a designated examiner.
(7) Notwithstanding any other provision of this part, no behavioral health coach is authorized to practice outside of or beyond the behavioral health coach's area of training, experience, or competence.
(8) Notwithstanding any other provision of this part, no behavioral health technician is authorized to practice outside of or beyond the behavioral health technician's area of training, experience, or competence.

Amended by Chapter 64, 2026 General Session

58-60-602 Limitation on state licensure and certification.

Nothing in this title shall be construed to prevent a person from lawfully engaging in practice as a behavioral health technician without certification.

Enacted by Chapter 420, 2024 General Session

58-60-603 Qualification for licensure -- Ongoing development requirements.

(1) The division shall grant licensure to a person who qualifies under this chapter to practice as a behavioral health coach.
(2) The division shall grant state certification to a person who qualifies under this chapter to practice as a behavioral health technician.
(3) An applicant for state certification as a behavioral health technician shall:
(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and
(c) provide certified transcripts verifying satisfactory completion of:
(i) a one-year academic certificate relevant to practice as a behavioral health technician from a regionally accredited institution of higher learning, or an equivalence of that certification as determined by the division in rule; or
(ii) an associate's degree or higher in a field determined by the division to be relevant to practice as a behavioral health technician, from a regionally accredited institution of higher learning, including:
(A) human and social services;
(B) counseling;
(C) psychology;
(D) social, behavioral, and health sciences; and
(E) education and human development.
(4) An applicant for licensure as a behavioral health coach by:
(a) the higher education pathway shall:
(i) submit an application in a form prescribed by the division;
(ii) pay a fee determined by the department under Section 63J-1-504; and
(iii) provide certified transcripts verifying satisfactory completion of a bachelor's degree or higher in a field determined by the division to be relevant to practice as a behavioral health coach, from a regionally accredited institution of higher learning, or an equivalence of that degree or higher, as determined by the division in rule, including:
(A) human and social services;
(B) counseling;
(C) psychology;
(D) social, behavioral, and health sciences; and
(E) education and human development;
(iv) provide certified transcripts verifying satisfactory completion of no less than nine credit hours in applied skills relevant to practice as a behavioral health coach, including:
(A) ethical, legal, and professional issues in behavioral health;
(B) therapeutic, counseling, or direct practice skills and methods;
(C) clinical documentation;
(D) case management; and
(E) supervised internship or practicum experience; and
(v) provide a letter of recommendation from an individual with direct knowledge of the applicant's competency to the practice as a behavioral health coach, who is qualified to evaluate the applicant's competency, including:
(A) a supervisor from a current or past work experience, internship, or practicum relevant to the practice as a behavioral health coach; or
(B) an instructor of an applied skills course relevant to the practice as a behavioral health coach; and
(b) the stacked credentials and experience pathway shall:
(i) submit an application in a form prescribed by the division;
(ii) pay a fee determined by the department under Section 63J-1-504;
(iii) provide certified transcripts verifying satisfactory completion of an associate's degree or higher in a field determined by the division to be relevant to the practice as a behavioral health coach from a regionally accredited institution of higher learning, including:
(A) human and social services;
(B) counseling;

(C) psychology;
(D) social, behavioral, and health sciences; and
(E) education and human development;
(iv) provide certified transcripts verifying satisfactory completion of no less than nine credit hours in applied skills relevant to the practice as a behavioral health coach, including:
(A) ethical, legal, and professional issues in behavioral health;
(B) therapeutic, counseling, or direct practice skills and methods;
(C) clinical documentation;
(D) case management; and
(E) supervised internship or practicum experience;
(v) provide documentation of two years full-time work experience, or equivalent, in a context or role determined by the division to be relevant to the practice as a behavioral health coach, including as a:
(A) certified behavioral health technician;
(B) certified peer support specialist;
(C) certified case manager;
(D) certified crisis worker; or
(E) substance use disorder counselor; and
(vi) provide a letter of recommendation from an individual with direct knowledge of the applicant's competency to the practice as a behavioral health coach, who is qualified to evaluate the applicant's competency, including:
(A) a supervisor from a current or past work experience, internship, or practicum relevant to the practice as a behavioral health coach; or
(B) an instructor of an applied skills course relevant to the practice as a behavioral health coach.

(5)
(a) Subject to Subsection (5)(b), Section 58-60-104 governs the term, expiration, and renewal of licenses and certifications the division grants under this part.
(b) At the time of renewal, an applicant for renewal shall provide satisfactory documentation that the applicant has completed any ongoing professional development requirements, as established by the division in rule made in consultation with the board.

Enacted by Chapter 420, 2024 General Session

58-60-604 Unlawful conduct.

It is unlawful for a person who is not licensed or certified under this chapter to:
(1) use the titles:
(a) state certified behavioral health technician; or
(b) licensed behavioral health coach; or
(2) represent that the person is, in connection with the person's name or business:
(a) a state certified behavioral health technician; or
(b) licensed behavioral health coach.

Enacted by Chapter 420, 2024 General Session

Chapter 60a
Counseling Compact

Part 1
Compact Text

58-60a-101 Section 1 -- Purpose.

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;

I. Eliminate the necessity for licenses in multiple States; and

J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

Enacted by Chapter 466, 2022 General Session

58-60a-102 Section 2 -- Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction;

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice and Adverse Action information.

H. "Encumbered License" means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.

J. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. "Home State" means the Member State that is the Licensee's primary State of residence.

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

M. "Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. "Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. "Licensed Professional Counselor" means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. "Member State" means a State that has enacted the Compact.

S. "Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. "Rule" means a regulation promulgated by the Commission that has the force of law.

W. "Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. "Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

Enacted by Chapter 466, 2022 General Session

58-60a-103 Section 3 -- State participation in the Compact.

A. To Participate in the Compact, a State must currently:

1. License and regulate Licensed Professional Counselors;

2. Require Licensees to pass a nationally recognized exam approved by the Commission;

3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:

a. Professional Counseling Orientation and Ethical Practice;

b. Social and Cultural Diversity;

c. Human Growth and Development;

d. Career Development;

e. Counseling and Helping Relationships;

f. Group Counseling and Group Work;

g. Diagnosis and Treatment; Assessment and Testing;

h. Research and Program Evaluation; and

i. Other areas as determined by the Commission;

4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission; and

5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions;

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

Enacted by Chapter 466, 2022 General Session

58-60a-104 Section 4 -- Privilege to Practice.

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Subsection 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and

2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Subsection 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;

2. All fines have been paid;

3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Subsection 4(G) have been met, the Licensee must meet the requirements in Subsection 4(A) to obtain a Privilege to Practice in a Remote State.

Enacted by Chapter 466, 2022 General Session

58-60a-105 Section 5 -- Obtaining a new Home State license based on a Privilege to Practice.

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 58-60a-104 via the Data System, without need for primary source verification except for:

a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background checks as required by the new Home State; and

c. completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 58-60a-104, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

Enacted by Chapter 466, 2022 General Session

58-60a-106 Section 6 -- Active Duty Military personnel or their spouses.

Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 58-60a-105.

Enacted by Chapter 466, 2022 General Session

58-60a-107 Section 7 -- Compact Privilege to Practice Telehealth.

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 58-60a-103 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

Enacted by Chapter 466, 2022 General Session

58-60a-108 Section 8 -- Adverse actions.

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State; and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

Enacted by Chapter 466, 2022 General Session

58-60a-109 Section 9 -- Establishment of Counseling Compact Commission.

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within 60 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 58-60a-111.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission

employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Enacted by Chapter 466, 2022 General Session

58-60a-110 Section 10 -- Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Privilege to Practice;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Current Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

Enacted by Chapter 466, 2022 General Session

58-60a-111 Section 11 -- Rulemaking.

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the

Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A State or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Enacted by Chapter 466, 2022 General Session

58-60a-112 Section 12 -- Oversight, dispute resolution, and enforcement.

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

H. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

Enacted by Chapter 466, 2022 General Session

58-60a-113 Section 13 -- Date of implementation of the Counseling Compact Commission and associated Rules, withdrawal, and amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in

that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Enacted by Chapter 466, 2022 General Session

58-60a-114 Section 14 -- Construction and severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Enacted by Chapter 466, 2022 General Session

58-60a-115 Section 15 -- Binding Effect of Compact and other Laws.

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

Enacted by Chapter 466, 2022 General Session

Part 2
Division Implementation

58-60a-201 Rulemaking authority -- State authority over scope of practice.

(1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

(2) Notwithstanding any provision in Sections 58-60a-101 through 58-60a-115, Sections 58-60a-101 through 58-60a-115 do not supersede state law related to an individual's scope of practice under this title.

Enacted by Chapter 466, 2022 General Session

Chapter 60b
Social Work Licensure Compact

Part 1
Compact Text

58-60b-101 Section 1 -- Purpose.

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Social Work Services;

B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

C. Enhance the Member States' ability to protect the public's health and safety;

D. Encourage the cooperation of Member States in regulating multistate practice;

E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

F. Support military families;

G. Facilitate the exchange of licensure and disciplinary information among Member States;

H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

I. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

Enacted by Chapter 103, 2024 General Session

58-60b-102 Section 2 -- Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

D. "Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

E. "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

F. "Current Significant Investigative Information" means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

H. "Domicile" means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

I. "Disqualifying Event" means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew a Multistate License.

J. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

K. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission.

L. "Home State" means the Member State that is the Licensee's primary Domicile.

M. "Impairment" means a condition(s) that may impair a practitioner's ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

N. "Licensee(s)" means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

O. "Licensing Authority" means the board or agency of a Member State, or equivalent, that is responsible for the licensing and regulation of Regulated Social Workers.

P. Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

Q. "Multistate Authorization to Practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

R. "Multistate License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

S. "Qualifying National Exam" means a national licensing examination approved by the Commission.

T. "Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

U. "Remote State" means a Member State other than the Licensee's Home State.

V. "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

W. "Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

X. "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

Y. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

Z. "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

Enacted by Chapter 103, 2024 General Session

58-60b-103 Section 3 -- State participation in the Compact.

A. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

2. Require applicants for licensure to graduate from a program that is:

a. Operated by a college or university recognized by the Licensing Authority;

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation, or its successor; or

ii. the United States Department of Education; and

c. Corresponds to the licensure as outlined in Section 4.

3. Require applicants for clinical licensure to complete a period of supervised practice.

4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

B. To maintain membership in the Compact a Member State shall:

1. Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in Section 4;

2. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

3. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

4. Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

5. Comply with the Rules of the Commission;

6. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

7. Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

8. Designate a delegate to participate in the Commission meetings.

C. A Member State meeting the requirements of Section 3.A and 3.B of this Compact shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance of a Multistate License in such category or categories of licensure.

D. The Home State may charge a fee for granting the Multistate License.

Enacted by Chapter 103, 2024 General Session

58-60b-104 Section 4 -- Social Worker participation in the Compact.

A. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, Unencumbered License in the Home State;

2. Pay any applicable fees, including any State fee, for the Multistate License;

3. Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken;

5. Meet any continuing competence requirements established by the Home State; and

6. Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

B. An applicant for a clinical-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a clinical-category Qualifying National Exam; or

b. Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:

a. A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours; or

b. A minimum of two years of full-time postgraduate supervised clinical practice; or

c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by Rule.

C. An applicant for a master's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a master's-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the master's category, beginning prior to such time as a Qualifying National Exam was required by the Home State at the master's category and accompanied by a continuous period of Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

D. An applicant for a bachelor's category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a bachelor's-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the bachelor's category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a bachelor's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

i. the Council for Higher Education Accreditation or its successor; or

ii. the United States Department of Education.

E. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of Section 4(A) to be eligible to renew a Multistate License.

F. The Regulated Social Worker's services in a Remote State are subject to that Member State's regulatory authority. A Remote State may, in accordance with due process and that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

Enacted by Chapter 103, 2024 General Session

58-60b-105 Section 5 -- Issuance of a Multistate License.

A. Upon receipt of an application for Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with Section 4 of this Compact.

B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

C. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelors, Masters, or Clinical category of Social Work.

D. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State.

Enacted by Chapter 103, 2024 General Session

58-60b-106 Section 6 -- Authority of Interstate Compact Commission and Member State Licensing Authorities.

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State.

B. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Multistate Authorization to Practice in that State.

E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

Enacted by Chapter 103, 2024 General Session

58-60b-107 Section 7 -- Reissuance of a Multistate License by a new Home State.

A. A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

3. Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

C. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

Enacted by Chapter 103, 2024 General Session

58-60b-108 Section 8 -- Military families.

An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

Enacted by Chapter 103, 2024 General Session

58-60b-109 Section 9 -- Adverse Actions.

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

2. Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

E. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member States of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

J. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

K. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

Enacted by Chapter 103, 2024 General Session

58-60b-110 Section 10 -- Establishment of Social Work Licensure Compact Commission.

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Authority.

2. The delegate shall be either:

a. A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the Licensing Authority; or

b. An administrator of the Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

7. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, video conference or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. The chair and vice chair of the Commission shall be voting members of the Executive Committee;

b. The Commission shall elect five voting members from the current membership of the Commission;

c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations; and

d. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F.2 below.

b. The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection F.1.b below.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subsection F.2 below.

a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 12, except that the Commission may hold a special meeting as provided in subsection F.1.b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as promulgated by the Commission by Rule.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, as provided in C(13).

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee and representative of the Commission in any civil action seeking to impose liability arising out of any

actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

Enacted by Chapter 103, 2024 General Session

58-60b-111 Section 11 -- Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated

hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

1. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

F. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

G. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

Enacted by Chapter 103, 2024 General Session

58-60b-112 Section 12 -- Rulemaking.

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the Rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 12.L, the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

Enacted by Chapter 103, 2024 General Session

58-60b-113 Section 13 -- Oversight, dispute resolution, and enforcement.

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No person other than a Member State shall enforce this compact against the Commission.

Enacted by Chapter 103, 2024 General Session

58-60b-114 Section 14 -- Effective date, withdrawal, and amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 10(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the

Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Enacted by Chapter 103, 2024 General Session

58-60b-115 Section 15 -- Construction and severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 13.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Enacted by Chapter 103, 2024 General Session

58-60b-116 Section 16 -- Consistent effect and conflict with other state laws.

A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Enacted by Chapter 103, 2024 General Session

Part 2
Division Implementation

58-60b-201 Rulemaking authority -- State authority over scope of practice.

(1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

(2) Notwithstanding any provision in Sections 58-60b-101 through 58-60b-114, Sections 58-60b-101 through 58-60b-114 do not supersede state law related to an individual's scope of practice under this title.

Enacted by Chapter 103, 2024 General Session

Chapter 61
Psychologist Licensing Act

Part 1
General Provisions

58-61-101 Title.

This chapter is known as the "Psychologist Licensing Act."

Enacted by Chapter 32, 1994 General Session

58-61-102 Definitions.

As used in this chapter:

(1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

(2) "Client" or "patient" means an individual who a psychologist, acting in a professional capacity, consults, examines, or interviews.

(3) "Confidential communication" means information, including information obtained by the psychologist's examination of the client or patient, which is:

(a)

(i) transmitted between the client or patient and a psychologist in the course of that relationship; or

(ii) transmitted among the client or patient, the psychologist, and individuals who are participating in the diagnosis or treatment under the direction of the psychologist, including members of the client's or patient's family; and

(b) made in confidence, for the diagnosis or treatment of the client or patient by the psychologist, and by a means not intended to be disclosed to third persons other than those individuals:

(i) present to further the interest of the client or patient in the consultation, examination, or interview;

(ii) reasonably necessary for the transmission of the communications; or

(iii) participating in the diagnosis and treatment of the client or patient under the direction of the psychologist.

(4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a process by which one individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.

(5) "Individual" means a natural person.

(6) "Mental health therapist" means an individual licensed under this title as a:

(a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;

(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;

(d) psychologist qualified to engage in the practice of mental health therapy;

(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

(f) clinical social worker;

(g) certified social worker;

(h) marriage and family therapist;

(i) an associate marriage and family therapist;

(j) a clinical mental health counselor; or

(k) an associate clinical mental health counselor.

(7) "Mental illness" means a mental disorder defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (6).

(8) "Practice of mental health therapy" means the treatment or prevention of mental illness, whether in person or remotely, including:

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder;

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (6);

(c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and

(d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (6).

(9)

(a) "Practice of psychology" includes:

(i) the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized professional psychological principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the symptoms of any of these, or maladaptive behavior;

(ii) the observation, description, evaluation, interpretation, or modification of human behavior by the application of generally recognized professional principles, methods, or procedures requiring the education, training, and clinical experience of a psychologist, for the purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health;

(iii) psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis, and behavior analysis and therapy;

(v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; and

(vi) psychoeducational evaluation, therapy, remediation, and consultation.

(b) An individual practicing psychology may provide services to individuals, couples, families, groups of individuals, members of the public, and individuals or groups within organizations or institutions.

(10) "Remotely" means communicating via internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.

(11) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-61-501.

(12) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-61-502, and as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 64, 2026 General Session

Part 3
Licensing

58-61-301 Licensure required -- Certifications.

(1)

(a) A license is required to engage in the practice of psychology, except as specifically provided in Section 58-1-307.

(b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be certified under this chapter as a psychology resident in order to engage in a residency program of supervised clinical training necessary to meet licensing requirements as a psychologist under this chapter.

(2) The division shall issue to an individual who qualifies under this chapter:

(a) a license in the classification of:

(i) psychologist;
(ii) certified psychology resident; or
(iii) licensed school psychological practitioner; or
(b) a certification in the classification of:
(i) certified prescribing psychologist; or
(ii) provisional prescribing psychologist.

Amended by Chapter 64, 2026 General Session

58-61-302 Term of license.

(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements as required under this chapter.
(3) Each license expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Enacted by Chapter 32, 1994 General Session

58-61-304 Qualifications for licensure by examination or endorsement.

(1) An applicant for licensure as a psychologist based upon education, clinical training, and examination shall:
(a) submit an application on a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) produce certified transcripts of credit verifying satisfactory completion of a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board;
(d) have completed a minimum of 4,000 hours of psychology training as defined by division rule under Section 58-1-203 under the supervision of a psychologist supervisor approved by the division in collaboration with the board;
(e) to be qualified to engage in mental health therapy, document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of a master's level of education in psychology, which training may be included as part of the 4,000 hours of training required in Subsection (1)(d), and for which documented evidence demonstrates not less than one hour of supervision for each 40 hours of supervised training was obtained under the direct supervision of a psychologist, as defined by rule;
(f) pass the examination requirement established by division rule under Section 58-1-203;
(g)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) disclose any criminal history the division requests on a form the division approves; and
(iii) meet any other standard related to the criminal background check described in Subsection (1)(g)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

(2) An applicant for licensure as a psychologist by endorsement based upon licensure in another jurisdiction shall:

(a) submit an application on a form the division approves;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) not have any disciplinary action pending or in effect against the applicant's psychologist license in any jurisdiction;

(d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;

(e) provide satisfactory evidence the applicant is currently licensed in another state, district, or territory of the United States, or in any other jurisdiction approved by the division in collaboration with the board;

(f) provide satisfactory evidence the applicant has actively practiced psychology in that jurisdiction for not less than 2,000 hours or one year, whichever is greater;

(g) provide satisfactory evidence that:

(i) the education, supervised experience, examination, and all other requirements for licensure in that jurisdiction at the time the applicant obtained licensure were substantially equivalent to the licensure requirements for a psychologist in Utah at the time the applicant obtained licensure in the other jurisdiction; or

(ii) the applicant is:

(A) a current holder of Board Certified Specialist status in good standing from the American Board of Professional Psychology;

(B) currently credentialed as a health service provider in psychology by the National Register of Health Service Providers in Psychology; or

(C) currently holds a Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards;

(h)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (2)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves; and

(i) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

(3)

(a) An applicant for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), (g), and (h).

(b)

(i) An individual's certification as a psychology resident is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a psychologist.

(ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

(4) An applicant for certification as a certified prescribing psychologist based upon education, clinical training, and examination shall:

(a) have authority to engage in the practice of psychology under Subsection 58-61-301;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) demonstrate by official transcript, or other official evidence satisfactory to the division, that the applicant:
(i) has completed a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board;
(ii) has completed a master's degree in clinical psychopharmacology from an institution of higher learning whose master's program, at the time the applicant received the master's degree, included at least 30 credit hours of didactics coursework over no less than four semesters, met approval criteria established by division rule made in consultation with the board and includes the following core areas of instruction:
(A) neuroscience, pharmacology, psychopharmacology, physiology, and pathophysiology;
(B) appropriate and relevant physical and laboratory assessment;
(C) basic sciences, including general biology, microbiology, cell and molecular biology, human anatomy, human physiology, biochemistry, and genetics, as part of or before enrollment in a master's degree in clinical psychopharmacology; and
(D) any other areas of instruction determined necessary by the division, in collaboration with the board, as established by division rule; and
(iii) has completed postdoctoral supervised training, as defined by division rule made in consultation with the board, in prescribing psychology under the direction of a licensed physician, including:
(A) not less than 4,000 hours of supervised clinical training throughout a period of at least two years; and
(B) for an applicant for a prescription certificate who specializes in the psychological care of children 17 years old or younger, persons 65 years old or older, or persons with comorbid medical conditions, at least one year prescribing psychotropic medications to those populations, as certified by the applicant's supervising licensed physician;
(d) have passed:
(i) the Psychopharmacology Examination for Psychologists developed by the Association of State and Provincial Psychology Boards, or the association's successor organization; or
(ii) an equivalent examination as defined by the division in rule;
(e) not have any disciplinary action pending or in effect against the applicant's psychologist license or other professional license authorizing the applicant to prescribe in any jurisdiction;
(f)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (4)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(g) commit to maintaining professional liability insurance while acting as a certified prescribing psychologist; and
(h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
(5) An applicant for certification as a certified prescribing psychologist by endorsement based upon licensure in another jurisdiction shall:
(a) submit an application on a form the division approves;

(b) pay a fee determined by the department under Section 63J-1-504;
(c) not have any disciplinary action pending or in effect against the applicant's psychologist license or other professional license authorizing the applicant to prescribe in any jurisdiction;
(d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;
(e) provide satisfactory evidence that the applicant is currently licensed as a prescribing psychologist in another state, district, or territory of the United States, or in any other jurisdiction approved by the division in collaboration with the board;
(f) provide satisfactory evidence that the applicant has actively practiced as a prescribing psychologist in that jurisdiction for not less than 4,000 hours or two years, whichever is greater;
(g) provide satisfactory evidence that the applicant has satisfied the education, supervised experience, examination, and all other requirements for licensure as a prescribing psychologist in that jurisdiction at the time the applicant obtained licensure were substantially equivalent to the licensure requirements for a certified prescribing psychologist in Utah at the time the applicant obtained licensure in the other jurisdiction;
(h)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (5)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(i) commit to maintaining professional liability insurance while acting as a certified prescribing psychologist; and
(j) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
(6) An applicant for certification as a provisional prescribing psychologist shall:
(a) have authority to engage in the practice of psychology under Section 58-61-301;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) demonstrate by official transcript, or other official evidence satisfactory to the division, that the applicant:
(i) has completed a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board; and
(ii) has completed a master's degree in clinical psychopharmacology from an institution of higher learning whose master's program, at the time the applicant received the master's degree, met approval criteria established by division rule made in consultation with the board and includes the following core areas of instruction:
(A) neuroscience, pharmacology, psychopharmacology, physiology, and pathophysiology;
(B) appropriate and relevant physical and laboratory assessment;
(C) basic sciences, including general biology, microbiology, cell and molecular biology, human anatomy, human physiology, biochemistry, and genetics, as part of or before enrollment in a master's degree in clinical psychopharmacology; and
(D) any other areas of instruction determined necessary by the division, in collaboration with the board, as established by division rule;
(d) have no disciplinary action pending or in effect against the applicant's psychologist license or other professional license authorizing the applicant to prescribe in any jurisdiction;
(e)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (6)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves;
(f) commit to maintaining professional liability insurance while acting as a provisional prescribing psychologist;
(g) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure; and
(h) satisfy any further requirements, as established by the division in rule.
(7) An applicant for licensure as a licensed school psychological practitioner shall:
(a) submit an application on a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) produce certified transcripts of credit verifying satisfactory completion of a master's degree or equivalent certification program approved by the division that:
(i) consists of at least 60 semester hours or 90 quarter hours in school psychology at an accredited institution; and
(ii) includes training in at least the following topics:
(A) understanding the organization, administration, and operation of schools, the major roles of personnel employed in schools, and curriculum development;
(B) directing psychological and psycho-educational assessments and intervention including all areas of exceptionality;
(C) individual and group intervention and remediation techniques, including consulting, behavioral methods, counseling, and primary prevention;
(D) understanding the ethical and professional practice and legal issues related to the work of school psychologists;
(E) social psychology, including interpersonal relations, communications, and consultation with students, parents, and professional personnel;
(F) coordination and work with community-school relations and multicultural education programs and assessments; and
(G) the use and evaluation of tests and measurements, developmental psychology, affective and cognitive processes, social and biological bases of behavior, personality, and psychopathology;
(d) provide evidence demonstrating that the applicant has:
(i) completed a one school year internship, or the equivalent, with a minimum of 1,200 clock hours in school psychology, at least 600 hours of which shall be in a school setting or a setting with an educational component; and
(ii) completed at least five years of successful experience as a school psychologist in the state; and
(e) provide a recommendation from:
(i) the institution that the applicant attended under Subsection (4)(c); and
(ii) one or more local education agencies, as defined in Section 53E-1-102, that employed the applicant as a school psychologist for the period described in Subsection (4)(d)(ii).

Amended by Chapter 443, 2025 General Session

58-61-305 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this chapter shall:
(1) submit an application on a form provided by the division;
(2) pay the fee established for the examination; and
(3) certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant:
(a) has completed the education requirement under this chapter and been awarded the earned degree required for licensure; and
(b) has successfully completed the supervised training required under this chapter for licensure.

Enacted by Chapter 32, 1994 General Session

58-61-306 Continuing education.

By rule made under Section 58-1-203, the division may establish a continuing education requirement as a condition for renewal of a license under this chapter upon finding continuing education is necessary to reasonably protect the public health, safety, or welfare.

Enacted by Chapter 32, 1994 General Session

58-61-307 Exemptions from licensure.

(1) Except as modified in Section 58-61-301, the exemptions from licensure in Section 58-1-307 apply to this chapter.
(2) In addition to the exemptions from licensure in Section 58-1-307, the following when practicing within the scope of the license held, may engage in acts included within the definition of practice as a psychologist, subject to the stated circumstances and limitations, without being licensed under this chapter:
(a) a physician and surgeon or osteopathic physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
(b) a registered psychiatric mental health nurse specialist licensed under Chapter 31b, Nurse Practice Act;
(c) a recognized member of the clergy while functioning in a ministerial capacity as long as the individual does not represent that the individual is a psychologist or use the title of psychologist;
(d) an individual who is offering expert testimony in any proceeding before a court, administrative hearing, deposition upon the order of any court or other body having power to order the deposition, or proceedings before any master, referee, or alternative dispute resolution provider;
(e) an individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice, and who:
(i)
(A) induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;
(B) consults with a client to determine current motivation and behavior patterns;
(C) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;
(D) tests clients to determine degrees of suggestibility;
(E) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and

(F) trains clients in self-hypnosis conditioning;
(ii) may not:
(A) engage in the practice of mental health therapy;
(B) represent himself using the title of a license classification in Subsection 58-60-102(15); or
(C) use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized diagnostic and statistical manuals of medical, psychological, or dental disorders;
(f) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;
(g) an individual holding an earned doctoral degree in psychology who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing delivery or supervision of professional services regulated under this chapter to individuals or groups regardless of whether there is compensation for the services;
(h) any individual who was employed as a psychologist by a state, county, or municipal agency or other political subdivision of the state prior to July 1, 1981, and who subsequently has maintained employment as a psychologist in the same state, county, or municipal agency or other political subdivision while engaged in the performance of the individual's official duties for that agency or political subdivision;
(i) an individual licensed as a school psychologist under Section 53E-6-201:
(i) may use the terms "school psychologist" or "licensed school psychologist"; and
(ii) may only practice within settings authorized by the State Board of Education;
(j) an individual providing advice or counsel to another individual in a setting of friendship, or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; and
(k) an individual who is licensed, in good standing, to practice mental health therapy in a state or territory of the United States outside of Utah may provide short term transitional mental health therapy remotely to a client in Utah only if:
(i) the individual is present in the state or territory where the individual is licensed to practice mental health therapy;
(ii) the client relocates to Utah;
(iii) the client is a client of the individual immediately before the client relocates to Utah;
(iv) the individual provides the short term transitional mental health therapy to the client only during the 45 day period beginning on the day on which the client relocates to Utah;
(v) within 10 days after the day on which the client relocates to Utah, the individual provides written notice to the division of the individual's intent to provide short term transitional mental health therapy remotely to the client; and
(vi) the individual does not engage in unlawful conduct or unprofessional conduct.

Amended by Chapter 64, 2026 General Session

58-61-308 Scope of practice -- Limitations.

(1)
(a) Subject to Subsections (1)(b) through (f), an individual licensed as a psychologist may engage in all acts and practices defined as the practice of psychology without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(b) Only a certified prescribing psychologist or provisional prescribing psychologist may prescribe, administer, and discontinue selective serotonin reuptake inhibitors, and other medications approved under Subsection (1)(c), recognized in or customarily used in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorders, including:
(i) laboratory tests;
(ii) diagnostic examinations; and
(iii) procedures that are:
(A) necessary to obtain laboratory tests or diagnostic examinations;
(B) relevant to the practice of psychology; and
(C) in accordance with division rule made in consultation with the board.
(c)
(i) The division may, by rule made in consultation with the Physicians Licensing Board created in Section 58-67-201, approve medications other than selective serotonin reuptake inhibitors for prescribing by certified prescribing psychologists or provisional prescribing psychologists.
(ii) If the division approves a medication under Subsection (1)(c)(i), the division shall notify the Health and Human Services Interim Committee of the approval within 14 days after the day on which the medication is approved.
(d)
(i) A certified prescribing psychologist may only prescribe psychotropic medication for a patient if the certified prescribing psychologist:
(A) identifies a health care practitioner currently overseeing the patient's general medical care; and
(B) establishes and maintains a collaborative relationship with that health care practitioner.
(ii) When prescribing a psychotropic medication for a patient, a certified prescribing psychologist shall establish and maintain a collaborative relationship with a health care practitioner who oversees the patient's general medical care to ensure that:
(A) necessary medical examinations are conducted;
(B) the psychotropic medication is appropriate for the patient's medical condition; and
(C) significant changes in the patient's medical or psychological conditions are discussed.
(iii) A health care practitioner under Subsections (1)(c)(i) and (ii) shall be:
(A) a physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act; or
(B) a psychiatric mental health nurse practitioner, as defined in Section 58-1-111.
(e) A certified prescribing psychologist and provisional prescribing psychologist may not prescribe or administer:
(i) narcotics; or
(ii) controlled substances.
(f) The division, in consultation with the board and the Physicians Licensing Board created in Section 58-67-201, may make rules further defining this section's limitations relating to prescribing psychology, allowable medications, and collaborative relationship requirements.
(2) An individual certified as a psychology resident may engage in all acts and practices defined as the practice of psychology only under conditions of employment as a psychology resident and under the supervision of a licensed psychologist who is an approved psychology training supervisor as defined by division rule. A certified psychology resident shall not engage in the independent practice of psychology.
(3)

(a) An individual licensed as a licensed school psychological practitioner may provide services outside of a school setting if the services are:
(i) provided in accordance with the most recent professional standards adopted by the National Association of School Psychologists; and
(ii) related to:
(A) academic, behavioral, and mental health support;
(B) academic evaluation, assessment, and data analysis; or
(C) consultation with educators or families.
(b) An individual licensed as a licensed school psychological practitioner may not engage in diagnosing, the practice of mental health therapy, psychological evaluation, neuropsychological assessment, or neuropsychological evaluation.

Amended by Chapter 228, 2024 General Session
Amended by Chapter 420, 2024 General Session

Part 4
License Denial and Discipline

58-61-401 Grounds for denial of licensure or certification -- Disciplinary proceedings.
(1) As used in this section:
(a) "License" includes a certification issued under this chapter.
(b) "Licensed" includes a person certified under this chapter.
(c) "Licensee" includes a certificate holder under this chapter.
(2) Subject to Subsection (7), the division may take an action described in Section 58-1-401 and in accordance with that section, including refusing to issue or renew a license, or revoking, suspending, restricting, or placing a license on probation, issuing a public or private reprimand, or issuing a cease and desist order.
(3)
(a)
(i) Subject to Subsection (7), if a court with jurisdiction determines a licensee is incapacitated as defined in Section 75-1-20, or that the licensee has a mental illness as defined in Section 26B-5-301, and is unable to safely engage in practice under this chapter, the director shall immediately suspend the license of the licensee upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending.
(ii) The director shall promptly notify the licensee in writing of a suspension under Subsection (3)(a)(i).
(b)
(i) If the division and a majority of the board find reasonable cause to believe that a licensee cannot practice under this chapter with reasonable skill and safety to protect a patient due to illness, excessive use of drugs or alcohol, or another mental or physical condition, and a court has not determined that the licensee is incapacitated or has a mental illness, the board shall:
(A) recommend that the director file a petition with the division; and
(B) ensure service of the petition on the licensee together with a notice of hearing limited to the licensee's capacity to competently and safely practice under this chapter.

(ii) Except as provided in Subsection (4), the hearing described in Subsection (3)(b)(i) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.

(4)

(a) Every licensee who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting to an immediate mental or physical examination, at the licensee's expense and by a division-approved practitioner selected by the licensee when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the licensee's patients or the general public.

(c)

(i) By written order of the director, the division may immediately suspend the license of a licensee who fails to submit to examination in accordance with this section.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the licensee's failure to submit to examination was due to circumstances beyond the control of the licensee and unrelated to the illness or incapacity of the licensee.

(5)

(a) A licensee whose license is suspended under Subsection (3) or (4)(c) may appeal the suspension within 10 days after the day on which the division suspends the license.

(b) The hearing held under this Subsection (5) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the licensee's patients or the general public.

(6) A licensee whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the licensee, under procedures the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding change in the licensee's condition, to determine whether:

(a) the licensee is able to safely and competently engage in the practice under the licensee's license; and

(b) the licensee is qualified to have the licensee's license to practice under this chapter partially or completely restored.

(7) The division may not refuse, revoke, suspend, or restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

(8) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by Article IX of the Psychology Interjurisdictional Compact in Section 58-61b-102.

Amended by Chapter 64, 2026 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-61-501 Unlawful conduct.

As used in this chapter, "unlawful conduct" includes:

(1) practice of psychology unless licensed as a psychologist or certified psychology resident under this chapter or exempted from licensure under this title;

(2) practice of mental health therapy by a licensed psychologist who has not acceptably documented to the division the licensed psychologist's completion of the supervised training in psychotherapy required under Subsection 58-61-304(1)(e); or

(3) representing oneself as or using the title of psychologist, or certified psychology resident unless currently licensed under this chapter.

Amended by Chapter 64, 2026 General Session

58-61-502 Unprofessional conduct.

(1) As used in this chapter, "unprofessional conduct" includes:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;

(b) failure to confine practice conduct to those acts or practices:

(i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and

(ii) which are within applicable scope of practice laws of this chapter;

(c) disclosing or refusing to disclose any confidential communication under Section 58-61-602;

(d) a pattern of failing to provide to patients in a mental health therapy setting:

(i) information regarding the license holder, including the name under which the license holder is licensed, the type of license held, the license number, and the license holder's contact information;

(ii) if an individual's license requires the license holder to be supervised by another licensed provider, information regarding the supervisor, including the name under which the supervisor is licensed, the type of license held, the license number, and the supervisor's contact information;

(iii) information regarding standards of appropriate care and ethical boundaries, including a plain language statement that in a professional relationship with a mental health practitioner, a dual relationship between a client and a provider, or one that is romantic, financially motivated, sexual, or otherwise risks impacting the provider's judgment or the quality of the services provided, is never appropriate and should be reported to the Division of Professional Licensing;

(iv) unless the individual is under an order of temporary commitment or involuntary commitment, information regarding the client's rights, including that the client has the right to seek a second opinion, to ask for additional information, and to terminate treatment at any time; or

(v) the contact information for the Division of Professional Licensing, including how to file a complaint; and

(e) a pattern of failing to provide to patients, upon request:
(i) information about the license holder's qualifications and experience, including a listing of any degrees, credentials, certifications, registrations, and licenses held or completed by the license holder, the name of the granting school or institution, and the continuing education that the licensee is required to complete in order to retain the license;
(ii) information regarding standards of appropriate care and ethical boundaries, including a copy of the statutory and administrative rule definitions of unprofessional conduct, and a copy of generally recognized professional or ethical standards;
(iii) for any course of treatment, the method of treatment recommended, the reasoning supporting the method of treatment, the techniques used, the expected duration of the treatment, if known, and the fee structure; or
(iv) information regarding the individuals who have or have had access to confidential data related to the care of the patient, including evaluations, assessments, diagnoses, prevention or treatment plans, reports, progress notes, discharge summaries, treatment, or the documentation of treatment, including video recording, live stream, or in-person observations of psychotherapy or other treatment methods.
(2) "Unprofessional conduct" under this chapter may be further defined by division rule.

Amended by Chapter 420, 2024 General Session

58-61-503 Penalty for unlawful conduct.

An individual who commits any act of unlawful conduct as defined in:
(1) Subsection 58-61-501(1) or (2) is guilty of a third degree felony; or
(2) Subsection 58-61-501(3) is guilty of a class A misdemeanor.

Enacted by Chapter 32, 1994 General Session

58-61-504 Reporting of unprofessional or unlawful conduct -- Immunity from liability.

(1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section 58-61-102 by a person licensed under this chapter or an individual not licensed under this chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary action by a licensed health care facility, professional practice group, or professional society, or that results in a significant adverse impact upon the public health, safety, or welfare, the following shall report the conduct in writing to the division within 10 days after learning of the disciplinary action or the conduct unless the individual or person knows it has been reported:
(a) a licensed health care facility or organization in which an individual licensed under this chapter engages in practice;
(b) an individual licensed under this chapter; and
(c) a professional society or organization whose membership is comprised of individuals licensed under this chapter and which has the authority to discipline or expel a member for acts of unprofessional or unlawful conduct.
(2) Any individual reporting acts of unprofessional or unlawful conduct by an individual licensed under this chapter is immune from liability arising out of the disclosure to the extent the individual furnishes the information in good faith and without malice.

Enacted by Chapter 32, 1994 General Session

Part 6
Evidentiary Privilege and Confidentiality

58-61-601 Evidentiary privilege.

Evidentiary privilege for psychologists regarding admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506 of the Utah Rules of Evidence.

Enacted by Chapter 32, 1994 General Session

58-61-602 Confidentiality -- Exemptions.

(1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a psychologist under this chapter may not disclose any confidential communication with a client or patient without the express written consent of:
  (a) the client or patient;
  (b) the parent or legal guardian of a minor client or patient; or
  (c) a person authorized to consent to the disclosure of the confidential communication by the client or patient in a written document:
    (i) that is signed by the client or the patient; and
    (ii) in which the client's or the patient's signature is reasonably verifiable.
(2) A psychologist under this chapter is not subject to Subsection (1) if:
  (a) the psychologist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
    (i) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
    (ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
    (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
    (iv) reporting of a communicable disease as required under Section 26B-7-206;
  (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
  (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 329, 2023 General Session

Part 7
Behavior Analyst Licensing Act

58-61-701 Title.

This part is known as the "Behavior Analyst Licensing Act."

Enacted by Chapter 367, 2015 General Session

58-61-702 Definitions.

In addition to the definitions in Section 58-61-102, as used in this part:

(1) "Confidential communication" means information obtained by an individual licensed or registered under this part, including information obtained by the individual's observation of or interview with the client, patient, or authorized agent, which is:

(a)

(i) transmitted between the client, patient, or authorized agent and an individual licensed or registered under this part in the course of that relationship; or

(ii) transmitted among the client, patient, or authorized agent, an individual licensed or registered under this part, and individuals who are participating in the assessment or treatment in conjunction with an individual licensed or registered under this part, including the authorized agent or members of the client's or patient's family; and

(b) made in confidence, for the assessment or treatment of the client or patient by the individual who is licensed or registered under this part, and by a means not intended to be disclosed to a third party other than an individual:

(i) present to further the interest of the client or patient in the consultation, assessment or interview;

(ii) reasonably necessary for the transmission of the communications; or

(iii) participating in the assessment and treatment of the client or patient in conjunction with the behavior analyst or behavior specialist.

(2) "Licensed assistant behavior analyst" means an individual licensed under this part to engage in the practice of behavior analysis under the supervision of a qualified supervisor, as defined by the division by administrative rule.

(3) "Licensed behavior analyst" means an individual licensed under this part to engage in the practice of behavior analysis.

(4)

(a) "Practice of behavior analysis" means the design and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

(i) the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;

(ii) interventions based on scientific research and the direct observation and measurement of behavior and environment; and

(iii) utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(b) "Practice of behavior analysis" does not include:

(i) diagnosis of a mental or physical disorder;

(ii) psychological testing;

(iii) educational testing;

(iv) neuropsychology;

(v) neuropsychological testing;

(vi) mental health therapy;

(vii) psychotherapy;

(viii) counseling;

(ix) biofeedback;

(x) neurofeedback;

(xi) cognitive therapy;

(xii) sex therapy;

(xiii) psychoanalysis; or

(xiv) hypnotherapy.
(5) "Registered assistant behavior specialist" means an individual who:
(a) is employed:
(i) as a professional engaging in the practice of behavior analysis within an organization contracted under a division of the Utah Department of Human Services;
(ii) to provide behavior analysis; and
(iii) on or before May 15, 2015;
(b) limits the practice of behavior analysis to the contract described in Subsection (5)(a)(i); and
(c) is registered under this part with the division to engage in the practice of behavior analysis under the supervision of a qualified supervisor, as defined by the division by administrative rule.
(6) "Registered behavior specialist" means an individual who:
(a) is employed:
(i) as a professional engaging in the practice of behavior analysis within an organization contracted under a division of the Utah Department of Human Services to provide behavior analysis; and
(ii) on or before May 15, 2015;
(b) limits the practice of behavior analysis to the contract described in Subsection (6)(a)(i); and
(c) is registered under this part with the division to engage in the practice of behavior analysis.

Enacted by Chapter 367, 2015 General Session

58-61-703 License or registration required.
(1) A license or registration is required to engage in the practice of behavior analysis, except as specifically provided in Section 58-1-307.
(2) The division shall issue to a person who qualifies under this part a license in the classification of:
(a) behavior analyst; or
(b) assistant behavior analyst.
(3) The division shall issue to a person who qualifies under this part a registration in the classification of:
(a) behavior specialist; or
(b) assistant behavior specialist.
(4) An individual shall be licensed or registered under this part or exempted from licensure under this part in order to engage in, or represent that the individual is engaged in, the practice of behavior analysis.

Enacted by Chapter 367, 2015 General Session

58-61-704 Term of license or registration.
(1)
(a) The division shall issue each license under this part with a two-year renewal cycle established by division rule.
(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal, the licensed individual shall show satisfactory evidence of renewal requirements as required under this part.

(3) Each license or registration expires on the expiration date shown on the license unless renewed by the licensed individual in accordance with Section 58-1-308.
(4)
(a) A registration as a registered behavior specialist or a registered assistant behavior specialist:
(i) expires on the day the individual is no longer employed in accordance with Subsection 58-61-705(5)(d) or (6)(d); and
(ii) may not be renewed.
(b) The Department of Health and Human Services, or an organization contracted with a division of the Department of Health and Human Services, shall notify the Division of Professional Licensing when a person registered under this part is no longer employed as a registered behavior specialist or a registered assistant behavior specialist.

Amended by Chapter 329, 2023 General Session

58-61-705 Qualifications for licensure -- By examination -- By certification.
(1) An applicant for licensure as a behavior analyst based upon education, supervised experience, and national examination shall:
(a)
(i) submit an application on a form provided by the division;
(ii) pay a fee determined by the department under Section 63J-1-504;
(iii) produce certified transcripts of credit verifying satisfactory completion of a master's or doctoral degree in applied behavior analysis from an accredited institution of higher education or an equivalent master or doctorate degree as determined by the division by administrative rule;
(iv) as defined by the division by administrative rule, have completed at least 1,500 hours of experiential behavior analysis training within a five year period of time with a qualified supervisor; and
(v) pass the examination requirement established by division rule under Section 58-1-203; or
(b) document proof of current certification in good standing as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of that certification, as determined by division rule made in consultation with the board.
(2) An applicant for licensure as an assistant behavior analyst based upon education, supervised experience, and national examination shall:
(a)
(i) submit an application on a form provided by the division;
(ii) pay a fee determined by the department under Section 63J-1-504;
(iii) produce certified transcripts of credit verifying satisfactory completion of a bachelor's degree from an accredited institution of higher education and satisfactory completion of specific core course work in behavior analysis established under Section 58-1-203 from an accredited institution of higher education;
(iv) as defined by the division by administrative rule, have completed at least 1,000 hours of experiential behavior analysis training within a five-year period of time with a qualified supervisor; and
(v) pass the examination requirement established by division rule under Section 58-1-203; or
(b) document proof of current certification in good standing as a Board Certified Assistant Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of that certification, as determined by division rule made in consultation with the board.

(3) An applicant for registration as a behavior specialist based upon professional experience in behavior analysis shall:
(a) without exception, on or before November 15, 2015, submit to the division, an application on a form provided by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) have at least five years of experience as a professional engaged in the practice of behavior analysis on or before May 15, 2015; and
(d) be employed as a professional engaging in the practice of behavior analysis within an organization contracted with a division of the Utah Department of Human Services to provide behavior analysis on or before July 1, 2015.
(4) An applicant for registration as an assistant behavior specialist based upon professional experience in behavior analysis shall:
(a) without exception, on or before November 15, 2015, submit to the division, an application on a form provided by the division;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) have at least one year of experience as a professional engaging in the practice of behavior analysis prior to July 1, 2015; and
(d) be employed as a professional engaging in the practice of behavior analysis within an organization contracted with a division of the Utah Department of Human Services to provide behavior analysis on or before July 1, 2015.

Amended by Chapter 420, 2024 General Session

58-61-706 Continuing education.
(1) The division may establish administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requiring continuing education as a condition for renewal of any license classification or maintaining a registration classification under this part if the division finds that continuing education is necessary to reasonably protect the public health, safety, or welfare.
(2) If a renewal cycle is extended or shortened under Section 58-61-704, the continuing education hours required for license renewal or maintaining a registration under this part shall be increased or decreased proportionally.

Enacted by Chapter 367, 2015 General Session

58-61-707 Exemptions from licensure.
In addition to the exemptions from licensure in Section 58-1-307, the following when practicing within the scope of the license held, may engage in acts included in the definition of the practice of behavior analysis, subject to the stated circumstances and limitations, without being licensed under this chapter:
(1) a psychologist licensed under this chapter, and those acting under the psychologist's authority and direction;
(2) a registered behavior specialist under this part;
(3) a registered assistant behavior specialist under this part;
(4) a mental health therapist licensed under Chapter 60, Mental Health Professional Practice Act;
(5) a behavior analyst who practices with non-human or non-patient clients or consumers, including applied animal behaviorists;

(6) an individual who provides general behavior analysis services to an organization, if the practice of behavior analysis is for the benefit of the organization and does not involve the practice of behavior analysis on an individual;
(7) an individual who teaches behavior analysis or conducts behavior analysis research, provided that the individual does not practice behavior analysis on an individual as part of the teaching or research;
(8) an employee of a school district, private school, or charter school who:
(a) practices behavior analysis as part of the employee's job description with the school district, private school, or charter school; and
(b) limits the employee's practice to the employment settings authorized by the:
(i) State Board of Education, if the employee is employed by a public school or charter school; or
(ii) private school employer, if the employee is employed by a private school;
(9) a matriculated graduate student in:
(a) a mental health field whose activities are part of a defined program of study or professional training; or
(b) education or applied behavior analysis whose activities are part of a defined program of study or professional training;
(10) a person:
(a) who is enrolled in a behavior analysis course sequence approved by the Behavior Analyst Certification Board at an accredited institution of higher education;
(b) whose activities are part of a defined program of study or professional training; and
(c) who is actively accruing supervision hours as defined by division rule under Section 58-1-203 and under the supervision of a licensed behavior analyst;
(11) a person who:
(a) has completed and passed a course sequence approved by the Behavior Analyst Certification Board; and
(b) is completing the supervision hours as defined by division rule under Section 58-1-203 and under the supervision of a licensed behavior analyst or other supervisor as permitted by rule adopted by the division;
(12) a person who:
(a) has completed and passed the course sequence approved by the Behavior Analyst Certification Board;
(b) has completed the supervision hours as defined by division rule under Section 58-1-203;
(c) continues working under the supervision of a behavior analyst; and
(d) is preparing to take the licensing examination or awaiting results of the licensing examination, provided the exemption under this Subsection (12)(d) does not extend beyond six months from the latter of Subsection (12)(b) or (c);
(13) until November 15, 2015, a person who:
(a) has completed and passed the Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst Examination developed by the Behavior Analyst Certification Board; and
(b) is in the process of applying for a license under this part;
(14) an individual providing advice or counsel to another individual in a setting of the individual's association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; or
(15) an individual exempt under Subsection 58-1-307(1)(b) only if the individual is supervised by qualified faculty or staff and the activities are a defined part of the degree program.

Enacted by Chapter 367, 2015 General Session

58-61-708 License and registration denial and discipline.

The division's grounds for refusing to issue a license or registration to an applicant, for refusing to renew the license of a licensed individual or registration of a registered individual, for revoking, suspending, restricting, or placing on probation the license of a licensed individual or registration of a registered individual, for issuing a public or private reprimand to a licensed individual or registered individual, and for issuance of a cease and desist order are under Section 58-1-401.

Enacted by Chapter 367, 2015 General Session

58-61-709 Unlawful conduct.

As used in this part, "unlawful conduct" includes:

(1) practice of behavior analysis unless licensed as a behavior analyst or assistant behavior analyst under this part, registered as a behavior specialist or assistant behavior specialist, or exempted from licensure or registration under this title; or

(2) representing oneself as or using the title of licensed behavior analyst or licensed assistant behavior analyst unless currently licensed under this part.

Enacted by Chapter 367, 2015 General Session

58-61-710 Unprofessional conduct.

As used in this part, "unprofessional conduct" includes:

(1) using or employing the services of any individual to assist a licensed behavior analyst, licensed assistant behavior analyst, registered behavior specialist, or registered assistant behavior specialist in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed or the laws of the state, including:

(a) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring compliance with the requirements of administrative rule adopted by the division;

(b) engaging in and aiding or abetting conduct or practices that are false, dishonest, deceptive, or fraudulent;

(c) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(d) failing to establish and maintain appropriate professional boundaries with a client or former client;

(e) engaging in or promising a personal, scientific, professional, financial, or other relationship with a client if it appears likely that such a relationship reasonably might impair the behavior analyst's or registered behavior specialist's objectivity or might harm or exploit the client;

(f) engaging in sexual activities or sexual contact with a client with or without client consent;

(g) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;

(h) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition that could reasonably be expected to place the client at a disadvantage, recognizing the power imbalance that exists or may exist between the behavior analyst or registered behavior specialist and the client;

(i) engaging in or aiding or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(j) exploiting a client for personal gain;
(k) using a professional client relationship to exploit a client or other person for personal gain;
(l) failing to maintain appropriate client records for a period of not less than seven years from the documented termination of services to the client;
(m) failing to obtain informed consent from the client or legal guardian before taping, recording, or permitting third party observations of client care or records;
(n) failing to cooperate with the division during an investigation;
(o) using the abbreviated title of LBA unless licensed in the state as a behavior analyst;
(p) using the abbreviated title of LaBA unless licensed in the state as an assistant behavior analyst;
(q) failing to make reasonable efforts to notify a client and seek the transfer or referral of services, according to the client's needs or preferences, when a behavior analyst anticipates the interruption or termination of services to a client;
(r) failing to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, according to the client's needs and preferences;
(s) failing to make reasonable steps to avoid abandoning a client who is still in need of services;
(t) failing to report conviction of a felony or misdemeanor directly relating to the practice of behavior analysis or public health and safety;
(u) failing to report revocation or suspension of certification from the Behavior Analyst Certification Board; and
(v) failure to confine practice conduct to those acts or practices in which the individual is competent by education, training, and experience within limits of education, training, and experience; and
(2) other conduct as further defined by administrative rule adopted by the division.

Enacted by Chapter 367, 2015 General Session

58-61-711 Penalty for unlawful conduct.

An individual who commits any act of unlawful conduct as defined in:
(1) Subsection 58-61-501(1) is guilty of a third degree felony; or
(2) Subsection 58-61-501(2) is guilty of a class A misdemeanor.

Enacted by Chapter 367, 2015 General Session

58-61-712 Reporting of unprofessional or unlawful conduct -- Immunity from liability.

(1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section 58-61-102 by a person licensed or registered under this chapter or an individual not licensed or registered under this chapter who engaged in acts or practices regulated under this chapter, which results in disciplinary action by a licensed health care facility, professional practice group, or professional society, or which results in a significant adverse impact upon the public health, safety, or welfare, the following shall report the conduct in writing to the division within 10 days after learning of the disciplinary action or the conduct, unless the individual or person knows it has been reported:
(a) a licensed health care facility or an organization in which an individual licensed or registered under this chapter engaged in practice;
(b) an individual licensed or registered under this chapter; or

(c) a professional society or organization whose membership individuals licensed or registered under this chapter and that has the authority to discipline or expel a member for acts of unprofessional conduct or unlawful conduct.

(2) Any individual who reports acts of unprofessional or unlawful conduct by an individual licensed or registered under this chapter is immune from liability arising out of the disclosure to the extent the individual furnishes the information in good faith and without malice.

Enacted by Chapter 367, 2015 General Session

58-61-713 Confidentiality -- Exemptions.

(1) A behavior analyst or behavior specialist under this chapter may not disclose any confidential communication with a client or patient without the express written consent of:
(a) the client or patient;
(b) the parent or legal guardian of a minor client or patient; or
(c) a person authorized to consent to the disclosure of the confidential communication by the client or patient in a written document:
(i) that is signed by the client or the patient; and
(ii) in which the client's or the patient's signature is reasonably verifiable.

(2) A behavior analyst or behavior specialist is not subject to Subsection (1) if:
(a) the behavior analyst or behavior specialist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
(i) reporting under Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
(ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
(iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
(iv) reporting of a communicable disease as required under Section 26B-7-206;
(b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Utah Rules of Evidence, Rule 506; or
(c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 329, 2023 General Session

58-61-714 Third party payment for licensed behavior analyst.

Notwithstanding the provisions of Section 31A-22-618, payment from third party payers for behavior analysis may be limited to:

(1) a licensed behavior analyst as defined in Section 58-61-702; and

(2) the following, working within the scope of their practice:
(a) a physician licensed under Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act;
(b) an advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;
(c) a psychologist licensed under this chapter;
(d) a clinical social worker licensed under Chapter 60, Part 2, Social Worker Licensing Act;
(e) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; and
(f) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act.

Amended by Chapter 136, 2019 General Session

Chapter 61b
Psychology Interjurisdictional Compact

58-61b-101 Title.

This chapter is known as the "Psychology Interjurisdictional Compact."

Enacted by Chapter 105, 2017 General Session

58-61b-102 Psychology Interjurisdictional Compact.

The Psychology Interjurisdictional Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which is, in form, substantially as follows:

ARTICLE I

PURPOSE

Whereas, states license psychologists, in order to protect the public through verification of education, training, and experience and ensure accountability for professional practice;

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions, and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each Compact State; and

6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II

DEFINITIONS

A. "Adverse Action" means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Section X.

G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.

H. "Coordinated Licensure Information System" also referred to as "Coordinated Database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

J. "Day" means: any part of a day in which psychological work is performed.

K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services

are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which do not include interactions that may occur through the use of telecommunication technologies.

Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. "Non-Compact State" means: any state which is not at the time a Compact State.

T. "Psychologist" means: an individual licensed for the independent practice of psychology.

U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means: the national administration of which all Compact States are members.

V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal, or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. "State" means: a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

Z. "State Psychology Regulatory Authority" means: the Board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

ARTICLE III

HOME STATE LICENSURE

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;

2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than ten years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to Article IV, Subsection B.1.a., by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. Have no history of adverse action that violates the Rules of the Commission;

5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, and competence in telepsychology technology, criminal background; and knowledge and adherence to legal requirements in the Home and Receiving States, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the

health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State or another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

b. A foreign college or university deemed to be equivalent to Article V, Subsection B.1.a., by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full, and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violates the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State or another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended, or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State; and

2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII

ADVERSE ACTIONS

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization to Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to Article VII, Section C.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State, shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

B. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure, and the reasons for such denial; and
8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

ARTICLE X
ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary, or similar executive;
b. Current member of the State Psychology Regulatory Authority of a Compact State; or
c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

a. Non-compliance of a Compact State with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees, or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

a. for the establishment and meetings of other committees; and

b. governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;

9. The Commission shall maintain its financial records in accordance with the Bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.

E. The Executive Board

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six members:

a. Five voting members who are elected from the current membership of the Commission by the Commission; and

b. One ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.

3. The Commission may remove any member of the Executive Board as provided in Bylaws.

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, and fees paid by Compact States such as annual dues and any other applicable fees;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources and donations and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified immunity, defense, and indemnification

1. The members, officers, Executive Director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI
RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;

2. A governmental subdivision or agency; or

3. A duly appointed person in an association that has at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Compact State funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The Executive, Legislative, and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default, and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

Enacted by Chapter 105, 2017 General Session

58-61b-103 Rulemaking authority.

The division may make administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement Section 58-61b-102.

Enacted by Chapter 105, 2017 General Session

Chapter 63
Security Personnel Licensing Act

Part 1
General Provisions

58-63-101 Title.

This chapter is known as the "Security Personnel Licensing Act."

Amended by Chapter 79, 1996 General Session

Superseded 10/1/2026

58-63-102 Definitions.

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

(1) "Agreement for services" means a written and signed agreement between a security service provider and a client that:
  (a) contains clear language that addresses and assigns financial responsibility;
  (b) describes the length, duties, and scope of the security services that will be provided; and
  (c) describes the compensation that will be paid by the client for the security services, including the compensation for each security officer.

(2) "Armed courier service" means a person engaged in business as a contract security company who transports or offers to transport tangible personal property from one place or point to another under the control of an armed security officer employed by that service.

(3) "Armed private security officer" means an individual:
  (a) employed by a contract security company;
  (b) whose primary duty is:
    (i) guarding personal or real property; or
    (ii) providing protection or security to the life and well being of humans or animals; and
  (c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.

(4) "Armored car company" means a person engaged in business under contract to others who transports or offers to transport tangible personal property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that require

secured delivery from one place to another under the control of an armored car security officer employed by the company using a specially equipped motor vehicle offering a high degree of security.

(5) "Armored car security officer" means an individual:

(a) employed by an armored car company;

(b) whose primary duty is to guard the tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another; and

(c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.

(6) "Board" means the Security Services Licensing Board created in Section 58-63-201.

(7) "Client" means a person, company, or entity that contracts for and receives security services from a contract security company or an armored car company.

(8) "Contract security company" means a company that is engaged in business to provide security services to another person, business, or entity on a contractual basis by assignment of an armed or unarmed private security officer.

(9) "Company officer" means:

(a) a governing person, as defined in Section 48-3a-102, of an armored car company or contract security company;

(b) an individual appointed as an officer of an armored car company or contract security company that is a corporation in accordance with Section 16-10a-830;

(c) a general partner, as defined in Section 48-2e-102, of an armored car company or contract security company; or

(d) a partner, as defined in Section 48-1d-102, of an armored car company or contract security company.

(10) "Company owner" means:

(a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an armored car company or contract security company that:

(i) is a corporation; and

(ii) is not publicly listed or traded; or

(b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an armored car company or contract security company that is not a corporation.

(11) "Company proprietor" means the sole proprietor of an armored car company or contract security company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.

(12) "Company trustee" means an individual with control of or power of administration over property held in trust.

(13) "Financial responsibility," when referring to a contract security company, means that a contract security company may only provide security services to a client if the contract security company:

(a) enters into an agreement for services with the client;

(b) maintains a current general liability insurance policy with:

(i) at least an annual $1,000,000 per occurrence limit;

(ii) at least an annual $2,000,000 aggregate limit; and

(iii) the following riders:

(A) general liability;

(B) assault and battery;
(C) personal injury;
(D) false arrest;
(E) libel and slander;
(F) invasion of privacy;
(G) broad form property damage;
(H) damage to property in the care, custody, or control of the security service provider; and
(I) errors and omissions;
(c) maintains a workers' compensation insurance policy with at least a $1,000,000 per occurrence limit and that covers each security officer employed by the contract security company; and
(d) maintains a federal employer identification number and an unemployment insurance employer account as required under state and federal law.
(14) "Identification card" means a personal pocket or wallet size card issued by the division to each armored car and armed or unarmed private security officer licensed under this chapter.
(15) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(16) "Peace officer" means a person who:
(a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications; and
(b) derives total or special law enforcement powers from, and is an employee of, the federal government, the state, or a political subdivision, agency, department, branch, or service of either, of a municipality, or a unit of local government.
(17) "Regular basis" means at least 20 hours per month.
(18) "Responsible management personnel" means:
(a) a qualifying agent;
(b) an operations manager; or
(c) a site manager.
(19)
(a) "Security officer" means an individual who is licensed as an armed or unarmed private security officer under this chapter and who:
(i) is employed by a contract security company securing, guarding, or otherwise protecting tangible personal property, real property, or the life and well being of human or animal life against:
(A) trespass or other unlawful intrusion or entry;
(B) larceny;
(C) vandalism or other abuse;
(D) arson or other criminal activity; or
(E) personal injury caused by another person or as a result of an act or omission by another person;
(ii) is controlling, regulating, or directing the flow of movements of an individual or vehicle; or
(iii) providing street patrol service.
(b) "Security officer" does not include an individual whose duties include taking admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other materials of individuals who are entering a sports venue, concert venue, theatrical venue, convention center, fairgrounds, public assembly facility, or mass gathering location if:
(i) the individual carries out these duties without the use of specialized equipment;
(ii) the authority of the individual is limited to denying entry or passage of another individual into or within the facility; and

(iii) the individual is not authorized to use physical force in the performance of the individual's duties under this Subsection (19)(b).

(20) "Security service provider" means a contract security company or an armored car company licensed under this chapter.

(21) "Security system" means equipment, a device, or an instrument installed for:

(a) detecting and signaling entry or intrusion by an individual into or onto, or exit from the premises protected by the system; or

(b) signaling the commission of criminal activity at the election of an individual having control of the features of the security system.

(22) "Specialized resource, motor vehicle, or equipment" means an item of tangible personal property specifically designed for use in law enforcement or in providing security or guard services, or that is specially equipped with a device or feature designed for use in providing law enforcement, security, or guard services, but does not include:

(a) standardized clothing, whether or not bearing a company name or logo, if the clothing does not bear the words "security" or "guard"; or

(b) an item of tangible personal property, other than a firearm or nonlethal weapon, that may be used without modification in providing security or guard services.

(23) "Street patrol service" means a contract security company that provides patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of the company's duties and responsibilities.

(24) "Unarmed private security officer" means an individual:

(a) employed by a contract security company;

(b) whose primary duty is guarding personal or real property or providing protection or security to the life and well being of humans or animals;

(c) who does not wear, carry, possess, or have immediate access to a firearm in the performance of the individual's duties; and

(d) who wears clothing of distinctive design or fashion bearing a symbol, badge, emblem, insignia, or other device that identifies the individual as a security officer.

(25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-501.

(26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

Amended by Chapter 223, 2023 General Session

Effective 10/1/2026

58-63-102 Definitions.

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

(1) "Agreement for services" means a written and signed agreement between a security service provider and a client that:

(a) contains clear language that addresses and assigns financial responsibility;

(b) describes the length, duties, and scope of the security services that will be provided; and

(c) describes the compensation that will be paid by the client for the security services, including the compensation for each security officer.

(2) "Armed courier service" means a person engaged in business as a contract security company who transports or offers to transport tangible personal property from one place or point to another under the control of an armed security officer employed by that service.

(3) "Armed private security officer" means an individual:

(a) employed by a contract security company;
(b) whose primary duty is:
(i) guarding personal or real property; or
(ii) providing protection or security to the life and well being of humans or animals; and
(c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.

(4) "Armored car company" means a person engaged in business under contract to others who transports or offers to transport tangible personal property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that require secured delivery from one place to another under the control of an armored car security officer employed by the company using a specially equipped motor vehicle offering a high degree of security.

(5) "Armored car security officer" means an individual:
(a) employed by an armored car company;
(b) whose primary duty is to guard the tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another; and
(c) who wears, carries, possesses, or has immediate access to a firearm in the performance of the individual's duties.

(6) "Board" means the Security Services Licensing Board created in Section 58-63-201.

(7) "Client" means a person, company, or entity that contracts for and receives security services from a contract security company or an armored car company.

(8) "Contract security company" means a company that is engaged in business to provide security services to another person, business, or entity on a contractual basis by assignment of an armed or unarmed private security officer.

(9) "Company officer" means:
(a) a governing person, as defined in Section 16-20-101, of an armored car company or contract security company;
(b) an individual appointed as an officer of an armored car company or contract security company that is a corporation in accordance with Section 16-10a-830;
(c) a general partner, as defined in Section 16-19-101, of an armored car company or contract security company; or
(d) a partner, as defined in Section 16-18-102, of an armored car company or contract security company.

(10) "Company owner" means:
(a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an armored car company or contract security company that:
(i) is a corporation; and
(ii) is not publicly listed or traded; or
(b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an armored car company or contract security company that is not a corporation.

(11) "Company proprietor" means the sole proprietor of an armored car company or contract security company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.

(12) "Company trustee" means an individual with control of or power of administration over property held in trust.

(13) "Financial responsibility," when referring to a contract security company, means that a contract security company may only provide security services to a client if the contract security company:
(a) enters into an agreement for services with the client;
(b) maintains a current general liability insurance policy with:
(i) at least an annual $1,000,000 per occurrence limit;
(ii) at least an annual $2,000,000 aggregate limit; and
(iii) the following riders:
(A) general liability;
(B) assault and battery;
(C) personal injury;
(D) false arrest;
(E) libel and slander;
(F) invasion of privacy;
(G) broad form property damage;
(H) damage to property in the care, custody, or control of the security service provider; and
(I) errors and omissions;
(c) maintains a workers' compensation insurance policy with at least a $1,000,000 per occurrence limit and that covers each security officer employed by the contract security company; and
(d) maintains a federal employer identification number and an unemployment insurance employer account as required under state and federal law.
(14) "Identification card" means a personal pocket or wallet size card issued by the division to each armored car and armed or unarmed private security officer licensed under this chapter.
(15) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(16) "Peace officer" means a person who:
(a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications; and
(b) derives total or special law enforcement powers from, and is an employee of, the federal government, the state, or a political subdivision, agency, department, branch, or service of either, of a municipality, or a unit of local government.
(17) "Regular basis" means at least 20 hours per month.
(18) "Responsible management personnel" means:
(a) a qualifying agent;
(b) an operations manager; or
(c) a site manager.
(19)
(a) "Security officer" means an individual who is licensed as an armed or unarmed private security officer under this chapter and who:
(i) is employed by a contract security company securing, guarding, or otherwise protecting tangible personal property, real property, or the life and well being of human or animal life against:
(A) trespass or other unlawful intrusion or entry;
(B) larceny;
(C) vandalism or other abuse;
(D) arson or other criminal activity; or
(E) personal injury caused by another person or as a result of an act or omission by another person;

(ii) is controlling, regulating, or directing the flow of movements of an individual or vehicle; or
(iii) providing street patrol service.
(b) "Security officer" does not include an individual whose duties include taking admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other materials of individuals who are entering a sports venue, concert venue, theatrical venue, convention center, fairgrounds, public assembly facility, or mass gathering location if:
(i) the individual carries out these duties without the use of specialized equipment;
(ii) the authority of the individual is limited to denying entry or passage of another individual into or within the facility; and
(iii) the individual is not authorized to use physical force in the performance of the individual's duties under this Subsection (19)(b).
(20) "Security service provider" means a contract security company or an armored car company licensed under this chapter.
(21) "Security system" means equipment, a device, or an instrument installed for:
(a) detecting and signaling entry or intrusion by an individual into or onto, or exit from the premises protected by the system; or
(b) signaling the commission of criminal activity at the election of an individual having control of the features of the security system.
(22) "Specialized resource, motor vehicle, or equipment" means an item of tangible personal property specifically designed for use in law enforcement or in providing security or guard services, or that is specially equipped with a device or feature designed for use in providing law enforcement, security, or guard services, but does not include:
(a) standardized clothing, whether or not bearing a company name or logo, if the clothing does not bear the words "security" or "guard"; or
(b) an item of tangible personal property, other than a firearm or nonlethal weapon, that may be used without modification in providing security or guard services.
(23) "Street patrol service" means a contract security company that provides patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of the company's duties and responsibilities.
(24) "Unarmed private security officer" means an individual:
(a) employed by a contract security company;
(b) whose primary duty is guarding personal or real property or providing protection or security to the life and well being of humans or animals;
(c) who does not wear, carry, possess, or have immediate access to a firearm in the performance of the individual's duties; and
(d) who wears clothing of distinctive design or fashion bearing a symbol, badge, emblem, insignia, or other device that identifies the individual as a security officer.
(25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-501.
(26) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

Amended by Chapter 92, 2026 General Session

58-63-103 Use of money for education, training, and enforcement.

The director may, with the concurrence of the board, use the money collected under Section 58-63-503, 58-92-503, or 58-93-503 for the following purposes:

(1) educating and training licensees under this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act;
(2) educating and training the general public or other interested persons in matters concerning the laws that govern the practices licensed under this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act; and
(3) enforcing this chapter, Chapter 92, Private Investigation Licensing Act, and Chapter 93, Bail Bond Licensing Act by:
  (a) investigating unprofessional or unlawful conduct; and
  (b) providing legal representation to the division when the division takes legal action against a person charged with unprofessional or unlawful conduct.

Amended by Chapter 44, 2026 General Session

Part 2
Board

58-63-201 Board -- Duties.
(1) There is created the Security Services Licensing Board consisting of:
  (a) two individuals who are officers or owners of a licensed contract security company;
  (b) one individual who is an officer or owner of a licensed armored car company;
  (c) one individual from among nominees of the Utah Sheriffs' Association;
  (d) one individual from among nominees of the Utah Chiefs of Police Association;
  (e) one individual who is licensed under Chapter 92, Private Investigation Licensing Act;
  (f) one individual who is an owner of a private investigation agency; and
  (g) two individuals representing the general public.
(2)
  (a) The executive director shall appoint board members in accordance with Section 58-1-201.
  (b) A board member serves in accordance with Section 58-1-201.
(3)
  (a) The board shall carry out the board's duties and responsibilities in accordance with Sections 58-1-202 and 58-1-203.
  (b) The board shall designate one of the board's members on a permanent or rotating basis to:
    (i) assist the division in reviewing a complaint concerning the unlawful or unprofessional conduct of a person licensed under this chapter; and
    (ii) advise the division in the board's investigation of the complaint.
(4) A board member who, under Subsection (3), has reviewed a complaint or advised in the board's investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 44, 2026 General Session

Part 3
Licensing

58-63-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of a contract security company, an armored car company, an armored car security officer, armed private security officer, or unarmed private security officer, except as otherwise provided in Section 58-1-307, 58-63-304, or 58-63-310.
(2) The division shall issue to a person who qualifies under this chapter a license in the following classifications:
(a) contract security company;
(b) armored car company;
(c) armored car security officer;
(d) armed private security officer; or
(e) unarmed private security officer.

Amended by Chapter 246, 2008 General Session

58-63-302 Qualifications for licensure.
(1) Each applicant for licensure as an armored car company or a contract security company shall:
(a) submit an application in a form the division approves;
(b) pay a fee the division determines in accordance with Section 63J-1-504;
(c) have a qualifying agent who:
(i) meets with the division and the board and demonstrates that the applicant and the qualifying agent meet the requirements of this section;
(ii) is a resident of the state;
(iii) is responsible management personnel or a company owner of the applicant;
(iv) exercises material day-to-day authority in the conduct of the applicant's business by making substantive technical and administrative decisions and whose primary employment is with the applicant;
(v) is not concurrently acting as a qualifying agent or employee of another armored car company or contract security company and is not engaged in any other employment on a regular basis;
(vi) is not involved in any activity that would conflict with the qualifying agent's duties and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's performance under this chapter does not jeopardize the health or safety of the general public;
(vii) is not an employee of a government agency;
(viii) passes an examination component 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
(ix)
(A) demonstrates 6,000 hours of compensated experience as a manager, supervisor, or administrator of an armored car company or a contract security company; or
(B) demonstrates 6,000 hours of supervisory experience acceptable to the division in collaboration with the board with a federal, United States military, state, county, or municipal law enforcement agency;
(d) require that each company officer, company owner, company proprietor, company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state:
(i) provide name, address, date of birth, social security number, and fingerprints; and
(ii)
(A) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(B) meet any other standard related to the criminal background check described in Subsection (1)(d)(ii)(A), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(C) disclose any criminal history the division requests on a form the division approves;

(e) have company officers, company owners, company proprietors, company trustees, and responsible management personnel who have not been convicted of:

(i) a felony; or

(ii) a crime that when considered with the duties and responsibilities of a contract security company or an armored car company by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;

(f) document that none of the individuals described in Subsection (1)(e):

(i) have been declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored; or

(ii) are currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);

(g) file and maintain with the division evidence of:

(i) comprehensive general liability insurance in a form in accordance with Subsection 58-63-102(13)(b);

(ii) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law;

(iii) registration with the Division of Corporations and Commercial Code; and

(iv) registration as required by applicable law with the:

(A) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(B) State Tax Commission; and

(C) Internal Revenue Service; and

(h) meet with the division or board as the division or board may request.

(2) Each applicant for licensure as an armed private security officer:

(a) shall submit an application in a form the division approves;

(b) shall pay a fee the division determines in accordance with Section 63J-1-504;

(c) may not have been convicted of:

(i) a felony; or

(ii) a crime that when considered with the duties and responsibilities of an armed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;

(d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);

(e) may not have been declared incompetent by a court with jurisdiction by reason of mental defect or disease and not been restored;

(f) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);

(g) shall successfully complete basic education and training requirements established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight hours of classroom or online curriculum;

(h) shall successfully complete firearms training requirements the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of 12 hours of training;
(i) shall pass the examination requirement the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(j) shall:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(j)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(k) shall meet with the division or board as the division or board may request.
(3) Each applicant for licensure as an unarmed private security officer:
(a) shall submit an application in a form the division approves;
(b) shall pay a fee the division determines in accordance with Section 63J-1-504;
(c) may not have been convicted of:
(i) a felony; or
(ii) a crime that when considered with the duties and responsibilities of an unarmed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
(d) may not have been declared incompetent by a court with jurisdiction by reason of mental defect or disease and not been restored;
(e) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);
(f) shall successfully complete basic education and training requirements the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight hours of classroom or online curriculum;
(g) shall pass the examination requirement the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(h) shall:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(i) shall meet with the division or board as the division or board may request.
(4) Each applicant for licensure as an armored car security officer:
(a) shall submit an application in a form the division approves;
(b) shall pay a fee the division determines in accordance with Section 63J-1-504;
(c) may not have been convicted of:
(i) a felony; or
(ii) a crime that when considered with the duties and responsibilities of an armored car security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
(d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);

(e) may not have been declared incompetent by a court with jurisdiction by reason of mental defect or disease and not been restored;
(f) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);
(g) shall successfully complete basic education and training requirements the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(h) shall successfully complete firearms training requirements the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(i) shall pass the examination requirements the division makes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(j) shall:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (4)(j)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(k) shall meet with the division and board if requested by the division or the board.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make a rule establishing when the division shall request a Federal Bureau of Investigation records' review for an applicant who is applying for licensure or licensure renewal under this chapter.

Amended by Chapter 64, 2026 General Session

58-63-303 Term of license -- Expiration -- Renewal.
(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Enacted by Chapter 215, 1995 General Session

58-63-304 Exemptions from licensure.
(1) In addition to the exemptions from licensure in Section 58-1-307, an individual may engage in acts regulated under this chapter without being licensed under this chapter if the individual is:
(a) a peace officer employed by a contract security company as provided in Subsection (2); or
(b) employed by a contract security company for the sole purpose of operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.
(2) A peace officer may only engage in off-duty employment as a security officer if:
(a) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off duty as a security officer and the written policy addresses the issue of financial responsibility;

(b) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a security officer; and
(c) the business or entity employing the off-duty peace officer to work as a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.
(3) In addition to the exemptions from licensure in Section 58-1-307, an individual holding a valid license as an armed private security officer under this chapter may also function as an unarmed private security officer without the additional license.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules approving security apparatus under Subsection (1)(b).

Amended by Chapter 197, 2017 General Session

58-63-305 Status of licenses held on the effective date of this chapter.

An individual holding a valid Utah license as a contract security company, armed private security officer, or unarmed private security officer under Title 53, Chapter 5, Part 4, Security Personnel Licensing and Regulation Act, on July 1, 1995, is:
(1) on or after July 1, 1995, considered to hold a current license under this chapter in the comparable classification of contract security company, armed private security officer, or unarmed private security officer; and
(2) subject to this chapter.

Amended by Chapter 271, 2001 General Session

58-63-306 Replacement of qualifying agent.

If the qualifying agent of an armored car company or a contract security company ceases to perform the agent's duties on a regular basis, the licensee shall:
(1) notify the division in writing within 15 days; and
(2) replace the qualifying agent within 60 days after the time required for notification to the division.

Amended by Chapter 339, 2020 General Session

58-63-307 Use of firearms.

(1) An individual licensed as an armored car security officer or an armed private security officer may carry a firearm only while acting as an armored car security officer or an armed private security officer in accordance with this chapter and rules made under this chapter.
(2) An individual licensed as an armored car security officer or an armed private security officer is exempt from the provisions of Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, while acting as an armored car security officer or an armed private security officer in accordance with this chapter and rules made under this chapter.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

58-63-308 Evidence of licensure.

An individual licensed as an armed private security officer, armored car security officer, or unarmed private security officer shall:

(1) carry a copy of the individual's license on the individual's person at all times while acting as a licensee; and
(2) display the license upon the request of a peace officer, a representative of the division, or a member of the public.

Amended by Chapter 246, 2008 General Session

58-63-309 Operating standards -- Rulemaking.

The division in collaboration with the board shall establish by rule operating standards that shall apply to the conduct of licensees under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensees practice under this chapter.

Enacted by Chapter 215, 1995 General Session

58-63-310 Interim permits.

(1) The division may issue an interim permit to an applicant for licensure as an armed private security officer, armored car security officer, or unarmed private security officer upon receipt of a complete application for licensure in accordance with Section 58-63-302.
(2)
  (a) Each interim permit expires 90 days after it is issued or on the date on which the applicant is issued a license, whichever is earlier.
  (b) The division may reissue an interim permit if the delay in approving a license is beyond the control or influence of the interim permit holder.
(3) An interim permit holder may engage in the scope of practice defined for the license classification that the interim permit holder is seeking.

Amended by Chapter 246, 2008 General Session

Part 4
License Denial and Discipline

58-63-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 215, 1995 General Session

Part 5
Unlawful Conduct - Unprofessional Conduct - Penalties

58-63-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) a contract security company employing the services of an unlicensed armed private security officer or unarmed private security officer, except as provided under Section 58-63-304 or 58-63-310;
(2) an armored car company employing the services of an unlicensed armored car security officer, except as provided under Section 58-63-304 or 58-63-310;
(3) filing with the division fingerprint cards for an applicant that are not those of the applicant, or are in any other way false or fraudulent and intended to mislead the division in its consideration of the qualifications of the applicant for licensure;
(4) practicing or engaging in, or attempting to practice or engage in, activity for which a license is required under this chapter, unless the individual:
  (a) holds the appropriate license under this chapter; or
  (b) is exempted from licensure as provided under Section 58-63-304 or 58-63-310; and
(5) knowingly employing another person to engage in or practice or attempt to engage in or practice an occupation or profession licensed under this chapter, if the employee:
  (a) is not licensed to do so under this chapter; or
  (b) is not exempt from licensure.

Amended by Chapter 246, 2008 General Session

58-63-502 Unprofessional conduct.

"Unprofessional conduct" includes:
(1) failing as an armored car company or a contract security company to notify the division of the cessation of performance of its qualifying agent or failing to replace its qualifying agent, as required under Section 58-63-306;
(2) failing as an armed private security officer, armored car security officer, or unarmed private security officer, to carry or display a copy of the licensee's license as required under Section 58-63-308;
(3) employment by an armored car company or a contract security company of a qualifying agent, armed private security officer, armored car security officer, or unarmed private security officer knowing that the individual has engaged in conduct that is inconsistent with the duties and responsibilities of a licensee under this chapter; and
(4) failing to comply with operating standards established by rule.

Amended by Chapter 246, 2008 General Session

58-63-503 Penalties.

(1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section 58-63-501 or who fails to comply with a citation issued under this section after it becomes final is guilty of a class A misdemeanor.
(2) The division may immediately suspend a license issued under this chapter of a person who is given a citation for violating Subsection 58-63-501(1), (2), (4), or (5).
(3)
  (a) If upon inspection or investigation, the division determines that a person has violated Subsection 58-63-501(1), (2), (4), or (5) or any rule made or order issued under those subsections, and that disciplinary action is warranted, the director or the director's designee within the division shall promptly issue a citation to the person and:
  (i) attempt to negotiate a stipulated settlement; or

(ii) notify the person to appear for an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b)

(i) The division may fine a person who violates Subsection 58-63-501(1), (2), (4), or (5), as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding held under Subsection (3)(a)(ii), or order the person to cease and desist from the violation, or do both.

(ii) Except for a cease and desist order, the division may not impose the licensure sanctions listed in Section 58-63-401 through the issuance of a citation under this section.

(c) The written citation shall:

(i) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or order;

(ii) state the recipient must notify the division in writing within 20 calendar days of issuance of the citation if the recipient wants to contest the citation at the adjudicative proceeding referred to in Subsection (3)(a)(ii); and

(iii) explain the consequences of failure to timely contest the citation or to make payment of a fine assessed under the citation with the time specified in the citation.

(d)

(i) The division may serve a citation issued under this section, or a copy of the citation, upon an individual who is subject to service of a summons under the Utah Rules of Civil Procedure.

(ii)

(A) The division may serve the individual personally or serve the individual's agent.

(B) The division may serve the summons by a division investigator, by a person designated by the director, or by mail.

(e)

(i) If within 20 days from the service of a citation the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The division may grant an extension of the 20-day period for cause.

(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(g) The division may not issue a citation for an alleged violation under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.

(h) The director or the director's designee may assess fines under this section as follows:

(i) for a first offense under Subsection (3)(a), a fine of up to $1,000;

(ii) for a second offense under Subsection (3)(a), a fine of up to $2,000; and

(iii) for a subsequent offense under Subsection (3)(a), a fine of up to $2,000 for each day of continued violation.

(i)

(i) For purposes of issuing a final order under this section and assessing a fine under Subsection (3)(h), an offense is a second or subsequent offense if:

(A) the division previously issued a final order determining that a person committed a first or second offense in violation of Subsection 58-63-501(1) or (4); or

(B)

(I) the division initiated an action for a first or second offense;

(II) no final order has been issued by the division in an action initiated under Subsection (3)(i)(i)(B)(I);

(III) the division determines during an investigation that occurred after the initiation of the action under Subsection (3)(i)(i)(B)(I) that the person committed a second or subsequent violation of Subsection 58-63-501(1) or (4); and

(IV) after determining that the person committed a second or subsequent offense under Subsection (3)(i)(i)(B)(III), the division issues a final order on the action initiated under Subsection (3)(i)(i)(B)(I).

(ii) In issuing a final order for a second or subsequent offense under Subsection (3)(i)(i), the division shall comply with the requirements of this section.

(4)

(a) The division shall deposit a fine imposed by the director under Subsection (3)(h) in the General Fund as a dedicated credit for use by the division for the purposes listed in Section 58-63-103.

(b) The director may collect a fine that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Part 6
Regulatory Jurisdiction

58-63-601 State preemption of local regulation.

(1) A political subdivision of this state may not enact any legislation, code, or ordinance, or make any rules relating to the licensing, training, or regulation of contract security companies or persons functioning as armed or unarmed private security officers.

(2) Any legislation, code, ordinance, or rules made by any political subdivision of this state, relating to the licensing, training, or regulation of contract security companies or individuals functioning as an armed or unarmed private security officers are superseded by this chapter.

Enacted by Chapter 215, 1995 General Session

Chapter 64
Deception Detection Examiners Licensing Act

Part 1
General Provisions

58-64-101 Title.

This chapter is known as the "Deception Detection Examiners Licensing Act."

Enacted by Chapter 215, 1995 General Session

58-64-102 Definitions.

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

(1) "Deception detection examination" means the use of an instrument, or software application designed for detecting deception, on an individual for the purpose of detecting whether that individual is engaged in deception.

(2) "Deception detection examination administrator" means an individual who engages in or represents that the individual is engaged in:

(a) conducting or administering a deception detection examination using a software application designed for detecting deception without intervention from the examination administrator; or

(b) the interpretation of deception detection examination results derived from a software application designed for detecting deception.

(3) "Deception detection examiner" means an individual who engages in or represents that the individual is engaged in conducting or performing deception detection examinations or in the interpretation of deception detection examinations.

(4) "Deception detection intern" means an individual who engages in deception detection examinations under the supervision and control of a deception detection examiner for the purpose of training and qualification as a deception detection examiner.

(5) "Instrument" means a polygraph, voice stress analyzer, ocular-motor test, or any other device or software application that records the examinee's cardiovascular patterns, respiratory patterns, galvanic skin response, cognitive response, eye behavior, memory recall, or other physiologic characteristics of the examinee for the purpose of monitoring factors relating to whether the examinee is truthful or engaged in deception.

(6) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-64-501.

(7) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-64-502 and as may be further defined by rule.

Amended by Chapter 154, 2020 General Session

Part 3
Licensing

58-64-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of deception detection, except as specifically provided in Section 58-64-304 or 58-1-307.

(2) The division shall issue to an individual who qualifies under this chapter a license in the classifications of:

(a) deception detection examiner;

(b) deception detection intern; or

(c) deception detection examination administrator.

Amended by Chapter 201, 2016 General Session

58-64-302 Qualifications for licensure.

(1) An applicant for licensure as a deception detection examiner:

(a) shall submit an application in a form the division approves;

(b) shall pay a fee the division determines in accordance with Section 63J-1-504;

(c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examiner is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by any court with jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);

(f) shall have completed one of the following:

(i) have earned a bachelor's degree from a four-year university or college meeting standards the division makes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(ii) have completed not less than 8,000 hours of investigation experience that the division approves; or

(iii) have completed a combination of university or college education and investigation experience, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as being equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);

(g) shall have successfully completed a training program in deception detection meeting criteria the division makes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(h) shall:

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves; and

(i) shall have performed satisfactorily as a licensed deception detection intern for a period of not less than one year and shall have satisfactorily conducted not less than 100 deception detection examinations under the supervision of a licensed deception detection examiner.

(2) An applicant for licensure as a deception detection intern:

(a) shall submit an application in a form the division approves;

(b) shall pay a fee the division determines in accordance with Section 63J-1-504;

(c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection intern is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by any court with jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);

(f) shall have completed one of the following:

(i) have earned a bachelor's degree from a four-year university or college meeting standards the division makes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) have completed not less than 8,000 hours of investigation experience that the division approves; or
(iii) have completed a combination of university or college education and investigation experience, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);
(g) shall have successfully completed a training program in deception detection meeting criteria the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(h) shall:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (2)(h)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(i) shall provide the division with an intern supervision agreement in a form the division approves under which:
(i) a licensed deception detection examiner agrees to supervise the intern; and
(ii) the applicant agrees to be supervised by that licensed deception detection examiner.
(3) An applicant for licensure as a deception detection examination administrator:
(a) shall submit an application in a form the division approves;
(b) shall pay a fee the division determines in accordance with Section 63J-1-504;
(c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
(d) may not have been declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored;
(e) may not be currently unable to perform the duties required under this title due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v);
(f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience;
(g) shall:
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (3)(g)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division approves; and
(h) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that the director approves.

Amended by Chapter 64, 2026 General Session

58-64-303 Term of license -- Expiration -- Renewal.

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show satisfactory evidence of:

(a) having performed not less than 25 deception detection examinations during the two years immediately preceding the date of the renewal notice; and

(b) obtaining recertification within the past two years from the manufacturer of a scientific or technology-based software solution, if the licensee is renewing a deception detection examination administrator license.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 201, 2016 General Session

58-64-304 Exemptions from licensure.

In addition to the exemptions from licensure described in Section 58-1-307, a law enforcement officer, as defined under Section 53-13-103, who is not licensed under this chapter, may operate a voice stress analyzer or software application designed for detecting deception in the course of the officer's employment with a federal, state, or local law enforcement agency, if the officer:

(1) has completed the manufacturer's training course and is certified by the manufacturer to operate the voice stress analyzer or software application designed for detecting deception; and

(2) is operating the voice stress analyzer or software application designed for detecting deception in accordance with Section 58-64-601, regarding deception detection instruments.

Amended by Chapter 238, 2016 General Session
Amended by Chapter 238, 2016 General Session, (Coordination Clause)

58-64-305 Status of licenses held on the effective date of this chapter.

An individual holding a valid Utah license as a deception detection examiner or detection examiner intern under Title 53, Chapter 5, Part 3, Deception Detection Examiners Act, on July 1, 1995, is:

(1) on or after July 1, 1995, considered to hold a current license under this chapter in the comparable classification of deception detection examiner or deception detection intern; and

(2) subject to this chapter.

Amended by Chapter 79, 1996 General Session

Part 4
License Denial and Discipline

58-64-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 215, 1995 General Session

Part 5
Unlawful and Unprofessional Conduct

58-64-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) a licensee conducting a deception detection examination:
  (a) outside of the physical presence of the subject of the examination;
  (b) on the subject of the examination by use of any electronic means, including the telephone; and
  (c) through any surreptitious means when the subject of the examination is not aware of the examination; and
(2) conducting a deception detection examination if the individual performing the deception detection examinations is located outside of the state and performs a deception detection examination by any electronic means upon a person located within the state.

Enacted by Chapter 215, 1995 General Session

58-64-502 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) using any deception detection instrument that does not meet criteria and standards established by rule by the division; and
(2) using any deception detection instrument that does not make a permanent recording as required under Section 58-64-601.

Amended by Chapter 154, 2020 General Session

Part 6
Operating Standards

58-64-601 Deception detection instruments.

(1) Instruments or software applications used in performing deception detection examinations shall be those that are generally recognized in the profession or, if approved by the director, those with results published in peer-reviewed, scientific journals generally recognized by the scientific community.
(2) An instrument or software application used for deception detection shall have a permanent recording or written report produced by the instrument or software application for objective analysis by the examiner or the division.
(3) A written interpretation by an examiner while conducting a deception detection examination does not satisfy the requirements of a permanent recording.

Amended by Chapter 154, 2020 General Session

Part 7
Regulatory Jurisdiction

58-64-701 State preemption of local regulation.

(1) A political subdivision of the state may not enact legislation, ordinances, or rules relating to the licensing, training, or regulation of deception detection examiners, deception detection interns, or deception detection examination administrators.

(2) Any legislation, ordinances, or rules made by a political subdivision of the state relating to the licensing, training, or regulation of deception detection examiners, deception detection interns, or deception detection examination administrators is superseded by this chapter.

Amended by Chapter 201, 2016 General Session

Chapter 67
Utah Medical Practice Act

Part 1
General Provisions

58-67-101 Title.

This chapter is known as the "Utah Medical Practice Act."

Enacted by Chapter 248, 1996 General Session

58-67-102 Definitions.

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

(1)

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

(b) "Ablative procedure" does not include:

(i) hair removal;

(ii) laser tattoo removal; or

(iii) cryolipolysis.

(2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.

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

(5) "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) "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) "Board" means the Medical Licensing Board created in Section 58-67-201.
(8) "Collaborating physician" means an individual licensed under Section 58-67-302 who enters into a collaborative practice arrangement with an associate physician.
(9) "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 cosmetic purposes.
(b) "Cosmetic medical procedure" does not include a treatment of the ocular globe including refractive surgery.
(12) "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 (12)(a);
(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (12)(a); or
(d) to make an examination or determination as described in Subsection (12)(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.
(13) "LCME" means the Liaison Committee on Medical Education of the American Medical Association.
(14) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-67-305(6).
(15) "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) "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 intended or expected 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 and 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) "Physician" means both physicians and surgeons licensed under Part 3, Licensing, and osteopathic physicians and surgeons licensed under Chapter 68, Part 3, Licensing.

(19)

(a) "Practice of 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, including to perform cosmetic medical procedures, or to attempt to do so, by any means or instrumentality, and by an individual in Utah or outside 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 maintain an office or place of business for the purpose of doing any of the acts described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or

(iv) 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 medicine," "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," 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 physician and surgeon, and if the party using the designation is not a licensed physician and surgeon, 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 medicine degree but is not a licensed physician and surgeon in Utah may use the designation "M.D." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

(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) 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; or

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

(20) "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) "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)

(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) 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)

(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) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

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

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

Amended by Chapter 491, 2025 General Session

Part 2
Board

58-67-201 Board.

(1) There is created the Medical Licensing Board consisting of the following members:
  (a) seven physicians and surgeons;
  (b) two osteopathic physicians and surgeons;
  (c) a physician who is a board certified psychiatrist who currently works or previously worked collaboratively with a physician assistant;
  (d) three physician assistants, one of whom is involved in the administration of an approved physician assistant education program in the state; and
  (e) two members of the public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3)
  (a) In addition to any duty or responsibility described in Section 58-1-202 or 58-1-203, the board shall regulate :
    (i) anesthesiologist assistants licensed under Chapter 70b, Anesthesiologist Assistant Licensing Act;
    (ii) osteopathic physicians and surgeons licensed under Chapter 68, Utah Osteopathic Medical Practice Act; and
    (iii) physician assistants licensed under Chapter 70a, Utah Physician Assistant Act.
  (b) The board may also designate one of the board's members on a permanent or rotating basis to:
    (i) assist the division in reviewing complaints concerning the conduct of a licensee the board regulates; and
    (ii) advise the division in the division's investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in the complaint's investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning that complaint.

Amended by Chapter 507, 2024 General Session

Part 3
Licensing

58-67-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of medicine, on or for any person in Utah, as a physician and surgeon, except as specifically provided in Section 58-1-307 or 58-67-305.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of physician and surgeon.

Enacted by Chapter 248, 1996 General Session

58-67-302 Qualifications for licensure.

(1) An applicant for licensure as a physician and surgeon, except as set forth in Subsection (2), shall:

(a) submit an application in a form the division approves, which may include:

(i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant;

(ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and

(iii) authorization to use a record coordination and verification service the division in collaboration with the board approves;

(b) pay a fee determined by the department under Section 63J-1-504;

(c)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves;

(d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a physician and surgeon, as evidenced by:

(i) having received an earned degree of doctor of medicine from an LCME accredited medical school or college; or

(ii) if the applicant graduated from a medical school or college located outside the United States or the United States' territories, submitting a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board;

(e) satisfy the division and board that the applicant:

(i) has successfully completed 24 months of progressive resident training in a program approved by the ACGME, the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada, or any similar body in the United States or Canada approved by the division in collaboration with the board; or

(ii)

(A) has successfully completed 12 months of resident training in an ACGME approved program after receiving a degree of doctor of medicine as required under Subsection (1)(d);

(B) has been accepted in and is successfully participating in progressive resident training in an ACGME approved program within Utah, in the applicant's second or third year of postgraduate training; and

(C) has agreed to surrender to the division the applicant's license as a physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and has agreed the applicant's license as a physician and surgeon may be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME approved progressive resident training program within the state;

(f) pass the licensing examination sequence required by division rule made in collaboration with the board;

(g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
(h) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure;
(i) designate:
(i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and
(ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person for access to medical records; and
(j) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.
(2) An applicant for licensure as a physician and surgeon by endorsement who is currently licensed to practice medicine in any state other than Utah, a district or territory of the United States, or Canada shall:
(a) be currently licensed with a full unrestricted license in good standing in any state, district, or territory of the United States, or Canada;
(b) have been actively engaged in the legal practice of medicine in any state, district, or territory of the United States, or Canada for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah;
(c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through (j);
(d) have passed the licensing examination sequence required in Subsection (1)(f) or another medical licensing examination sequence in another state, district or territory of the United States, or Canada that the division in collaboration with the board by rulemaking determines is equivalent to the board's own required examination;
(e) not have any investigation or action pending against any health care license of the applicant, not have a health care license that was suspended or revoked in any state, district or territory of the United States, or Canada, and not have surrendered a health care license in lieu of a disciplinary action, unless:
(i) the license was subsequently reinstated as a full unrestricted license in good standing; or
(ii) the division in collaboration with the board determines to the board's satisfaction, after full disclosure by the applicant, that:
(A) the conduct has been corrected, monitored, and resolved; or
(B) a mitigating circumstance exists that prevents the investigation's or action's resolution, and the division in collaboration with the board is satisfied that, but for the mitigating circumstance, the license would be reinstated;
(f) submit to a records review, a practice history review, and comprehensive assessments, if requested by the division in collaboration with the board; and
(g) produce satisfactory evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.
(3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the division processes the applicant's application for licensure if:
(a) the applicant submits a complete application required for temporary licensure to the division;
(b) the applicant submits a written document to the division from:
(i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection, stating that the applicant is practicing under the:

(A) invitation of the health care facility; and
(B) the general supervision of a physician practicing at the facility; or
(ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:
(A) the applicant is practicing under the invitation and general supervision of the individual; and
(B) the applicant will practice at the same clinical location as the individual;
(c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);
(d) the applicant does not engage in the practice of medicine until the division issues a temporary license;
(e) the temporary license is issued for only one year from the date of issuance and may not be extended or renewed; and
(f) the temporary license expires immediately and before the expiration of one year from issuance, upon notification from the division that the division denied the applicant's application for licensure by endorsement.
(4) The division shall issue a temporary license under Subsection (3) within 15 business days after the day on which the applicant satisfies the requirements of Subsection (3).
(5) The division may not require the following requirements for licensure:
(a) a post-residency board certification; or
(b) a cognitive test when the physician reaches a specified age, unless:
(i) the screening is based on evidence of cognitive changes associated with aging that are relevant to physician performance;
(ii) the screening is based on principles of medical ethics;
(iii) physicians are involved in the development of standards for assessing competency;
(iv) guidelines, procedures, and methods of assessment, which may include cognitive screening, are relevant to physician practice and to the physician's ability to perform the tasks specifically required in the physician's practice environment;
(v) the primary driver for establishing assessment results is the ethical obligation of the profession to the health of the public and patient safety;
(vi) the goal of the assessment is to optimize physician competency and performance through education, remediation, and modifications to a physician's practice environment or scope;
(vii) a credentialing committee determines that public health or patient safety is directly threatened, the screening permits a physician to retain the right to modify the physician's practice environment to allow the physician to continue to provide safe and effective care;
(viii) guidelines, procedures, and methods of assessment are transparent to physicians and physicians' representatives, if requested by a physician or a physician's representative, and physicians are made aware of the specific methods used, performance expectations and standards against which performance will be judged, and the possible outcomes of the screening or assessment;
(ix) education or remediation practices that result from screening or assessment procedures are:
(A) supportive of physician wellness;
(B) ongoing; and
(C) proactive; and
(x) procedures and screening mechanisms that are distinctly different from for cause assessments do not result in undue cost or burden to senior physicians providing patient care.

Amended by Chapter 443, 2025 General Session

58-67-302.5 Licensing of graduates of foreign medical schools.

(1) Notwithstanding any other provision of law to the contrary, an individual enrolled in a medical school outside the United States, its territories, the District of Columbia, or Canada is eligible for licensure as a physician and surgeon in this state if the individual has satisfied the following requirements:
  (a) meets all the requirements of Subsection 58-67-302(1), except for Subsection 58-67-302(1)(d);
  (b) has studied medicine in a medical school located outside the United States which is recognized by an organization approved by the division;
  (c) has completed all of the formal requirements of the foreign medical school except internship or social service;
  (d) has attained a passing score on the educational commission for foreign medical graduates examination or other qualifying examinations such as the United States Medical Licensing Exam parts I and II, which are approved by the division or a medical school approved by the division;
  (e) has satisfactorily completed one calendar year of supervised clinical training under the direction of a United States medical education setting accredited by the liaison committee for graduate medical education and approved by the division;
  (f) has completed the postgraduate hospital training required by Subsection 58-67-302(1)(e)(i); and
  (g) has passed the examination required by the division of all applicants for licensure.
(2) Satisfaction of the requirements of Subsection (1) is in lieu of:
  (a) the completion of any foreign internship or social service requirements; and
  (b) the certification required by Subsection 58-67-302(1)(d).
(3) Individuals who satisfy the requirements of Subsections (1)(a) through (g) shall be eligible for admission to graduate medical education programs within the state, including internships and residencies, which are accredited by the liaison committee for graduate medical education.
(4) A document issued by a medical school located outside the United States shall be considered the equivalent of a degree of doctor of medicine for the purpose of licensure as a physician and surgeon in this state if:
  (a) the foreign medical school is recognized by an organization approved by the division;
  (b) the document granted by the foreign medical school is issued after the completion of all formal requirements of the medical school except internship or social service; and
  (c) the foreign medical school certifies that the person to whom the document was issued has satisfactorily completed the requirements of Subsection (1)(c).
(5) The division may not require as a requirement for licensure a cognitive test when the physician reaches a specified age, unless the test reflects the standards described in Subsections 58-67-302(5)(b)(i) through (x).
(6) The provisions for licensure under this section shall be known as the "fifth pathway program."

Amended by Chapter 339, 2020 General Session

58-67-302.7 Licensing of physician-educators.

(1) As used in this section:
  (a) "Foreign country" means a country other than the United States, its territories, or Canada.

(b) "Foreign medical school" means a medical school that is outside the United States, its territories, and Canada.

(2) Notwithstanding any provision of law to the contrary, an individual may receive a type I foreign teaching license if the individual:

(a) submits an application in a form prescribed by the division, which may include:

(i) submission by the applicant of information maintained in a practitioner data bank, as designated by division rule, with respect to the applicant;

(ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and

(iii) the applicant's curriculum vitae;

(b) is a graduate of a foreign medical school that is accepted for certification by the Educational Commission for Foreign Medical Graduates;

(c) is licensed in good standing in a foreign country, the United States, its territories, or Canada;

(d) does not have an investigation or action pending against the physician's healthcare license, does not have a healthcare license that was suspended or revoked, and has not surrendered a healthcare license in lieu of disciplinary action, unless:

(i) the license was subsequently reinstated in good standing; or

(ii) the division in collaboration with the board determines to its satisfaction, after full disclosure by the applicant and full consideration by the division in collaboration with the board, that:

(A) the conduct has been corrected, monitored, and resolved; or

(B) a mitigating circumstance exists that prevents resolution, and the division in collaboration with the board is satisfied that but for the mitigating circumstance, the license would be reinstated;

(e) submits documentation of legal status to work in the United States;

(f) meets at least three of the following qualifications:

(i)

(A) published original results of clinical research, within 10 years before the day on which the application is submitted, in a medical journal listed in the Index Medicus or an equivalent scholarly publication; and

(B) submits the publication to the Board in English or in a foreign language with a verifiable, certified English translation;

(ii) held an appointment at a medical school approved by the LCME or at any medical school listed in the World Health Organization directory at the level of associate or full professor, or its equivalent, for at least five years;

(iii)

(A) developed a treatment modality, surgical technique, or other verified original contribution to the field of medicine within 10 years before the day on which the application is submitted; and

(B) has the treatment modality, surgical technique, or other verified original contribution attested to by the dean of an LCME accredited school of medicine in Utah;

(iv) actively practiced medicine cumulatively for 10 years; or

(v) is board certified in good standing of a board of the American Board of Medical Specialities or equivalent specialty board;

(g) is able to read, write, speak, understand, and be understood in the English language and demonstrates proficiency to the satisfaction of the division in collaboration with the board, if requested;

(h) is invited by an LCME accredited medical school in Utah to serve as a full-time member of the medical school's academic faculty, as evidenced by written certification from:

(i) the dean of the medical school, stating that the applicant has been appointed to a full-time faculty position, that because the applicant has unique expertise in a specific field of medicine the medical school considers the applicant to be a valuable member of the faculty, and that the applicant is qualified by knowledge, skill, and ability to practice medicine in the state; and

(ii) the head of the department to which the applicant is to be appointed, stating that the applicant will be under the direction of the head of the department and will be permitted to practice medicine only as a necessary part of the applicant's duties, providing detailed evidence of the applicant's qualifications and competence, including the nature and location of the applicant's proposed responsibilities, reasons for any limitations of the applicant's practice responsibilities, and the degree of supervision, if any, under which the applicant will function;

(i) pays a licensing fee set by the division under Section 63J-1-504; and

(j) has practiced medicine for at least 10 years as an attending physician.

(3) Notwithstanding any provision of law to the contrary, an individual may receive a type II foreign teaching license if the individual:

(a) satisfies the requirements of Subsections (2)(a) through (e) and (g) through (i);

(b) has delivered clinical care to patients cumulatively for five years after graduation from medical school; and

(c)

(i) will be completing a clinical fellowship while employed at the medical school described in Subsection (2)(h); or

(ii) has already completed a medical residency accredited by the Royal College of Physicians and Surgeons of Canada, the United Kingdom, Australia, or New Zealand, or a comparable accreditation organization as determined by the division in collaboration with the board.

(4) After an initial term of one year, a type I license may be renewed for periods of two years if the licensee continues to satisfy the requirements described in Subsection (2) and completes the division's continuing education renewal requirements established under Section 58-67-303.

(5) A type II license may be renewed on an annual basis, up to four times, if the licensee continues to satisfy the requirements described in Subsection (3) and completes the division's continuing education renewal requirements established under Section 58-67-303.

(6) A license issued under this section:

(a) authorizes the licensee to practice medicine:

(i) within the scope of the licensee's employment at the medical school described in Subsection (2)(h) and the licensee's academic position; and

(ii) at a hospital or clinic affiliated with the medical school described in Subsection (2)(h) for the purpose of teaching, clinical care, or pursuing research;

(b) shall list the limitations described in Subsection (6)(a); and

(c) shall expire on the earlier of:

(i) one year after the day on which the type I or type II license is initially issued, unless the license is renewed;

(ii) for a type I license, two years after the day on which the license is renewed;

(iii) for a type II license, one year after the day on which the license is renewed; or

(iv) the day on which employment at the medical school described in Subsection (2)(h) ends.

(7) A person who holds a type I license for five consecutive years may apply for licensure as a physician and surgeon in this state and shall be licensed if the individual satisfies the requirements described in Subsection (8). If the person fails to obtain licensure as a physician

and surgeon in this state, the person may apply for a renewal of the type I license under Subsection (2).

(8) An individual who holds a type I or type II license for five consecutive years is eligible for licensure as a physician and surgeon in this state if the individual:
  (a) worked an average of at least 40 hours per month at the level of an attending physician during the time the individual held the type I or type II license;
  (b) holds the rank of associate professor or higher at the medical school described in Subsection (2)(h);
  (c) obtains certification from the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board;
  (d) spent a cumulative 20 hours per year while holding a type I or type II license:
    (i) teaching or lecturing to medical students or house staff;
    (ii) participating in educational department meetings or conferences that are not certified to meet the continuing medical education license renewal requirement; or
    (iii) attending continuing medical education classes in addition to the requirements for continuing education described in Subsections (4) and (5);
  (e) obtains a passing score on the final step of the licensing examination sequence required by division rule made in collaboration with the board; and
  (f) satisfies the requirements described in Subsections 58-67-302(1)(a) through (c), (h), and (i).

(9) If a person who holds a type II license fails to obtain licensure as a physician and surgeon in this state after applying under the procedures described in Subsection (8), the person may not:
  (a) reapply for or renew a type II license; or
  (b) apply for a type I license.

(10) The division or the board may require an applicant for licensure under this section to meet with the board and representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.

(11) The division in collaboration with the board may withdraw a license under this section at any time for material misrepresentation or unlawful or unprofessional conduct.

Amended by Chapter 339, 2020 General Session

58-67-302.8 Restricted licensing of an associate physician.

(1) An individual may apply for a restricted license as an associate physician if the individual:
  (a) meets the requirements described in Subsections 58-67-302(1)(a) through (c), (1)(d)(i), and (1)(g) through (j);
  (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent steps of another board-approved medical licensing examination:
    (i) within three years after the day on which the applicant graduates from a program described in Subsection 58-67-302(1)(d)(i); and
    (ii) within two years before applying for a restricted license as an associate physician; and
  (c) is not currently enrolled in and has not completed a residency program.

(2) Before a licensed associate physician may engage in the practice of medicine, the licensed associate physician shall:
  (a) enter into a collaborative practice arrangement described in Section 58-67-807 within six months after the associate physician's initial licensure; and
  (b) receive division approval of the collaborative practice arrangement.

Amended by Chapter 389, 2022 General Session

58-67-303 Term of license -- Expiration -- Renewal.

(1)
(a) Except as provided in Section 58-67-302.7, the division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.

(2) At the time of renewal, the licensee shall:
(a) view a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division;
(b) show compliance with continuing education renewal requirements; and
(c) show compliance with the requirement for designation of a contact person and alternate contact person for access to medical records and notice to patients as required by Subsections 58-67-304(1)(b) and (c).

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

(4) An individual may not be licensed as an associate physician for more than a total of six years.

Amended by Chapter 124, 2020 General Session

58-67-304 License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:
(a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule made in collaboration with the board;
(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-67-302(1)(i);
(c) if the licensee practices medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for the licensee; and
(d) if the licensee is an associate physician licensed under Section 58-67-302.8, successfully complete the educational methods and programs described in Subsection 58-67-807(4).

(2) If a renewal period is extended or shortened under Section 58-67-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

(3)
(a) An application to renew a license under this chapter shall:
(i) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and
(ii) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious physical risk of substantial impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure compliance with the definitions and requirements of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition.

(4) In order to assist the Department of Health and Human Services in fulfilling the department's responsibilities relating to the licensing of a health care facility and the enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition, if a physician responds positively to the question described in Subsection (3)(a)(i) the division shall, within 30 days after the day on which the division renews the physician's license under this chapter, inform the Department of Health and Human Services in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a)(i).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) any continuing education that a physician completes in accordance with Section 26B-4-219.

Amended by Chapter 392, 2025 General Session

58-67-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3)

(a)

(i) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and

(ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and

(b) Subsection (3)(a) does not:

(i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or

(ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);

(4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;

(5) an individual authorized by the Department of Public Safety under Section 53-2d-103, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

(6) a medical assistant:

(a) administering a vaccine under the general supervision of a physician; or

(b) under the indirect supervision of a physician, engaging in tasks appropriately delegated by the physician in accordance with the standards and ethics of the practice of medicine, except for:

(i) performing surgical procedures;

(ii) prescribing prescription medications;

(iii) administering anesthesia other than for a local anesthetic for minor procedural use; or

(iv) engaging in other medical practices or procedures as defined by division rule in collaboration with the board;

(7) an individual engaging in the practice of medicine when:
(a) the individual is licensed in good standing as a physician in another state with no licensing action pending and no less than 10 years of professional experience;
(b) the services are rendered as a public service and for a noncommercial purpose;
(c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
(d) the individual does not otherwise engage in unlawful or unprofessional conduct;
(8) an individual providing expert testimony in a legal proceeding; and
(9) an individual who is invited by a school, association, society, or other body approved by the division to conduct a clinic or demonstration of the practice of medicine in which patients are treated, if:
(a) the individual does not establish a place of business in this state;
(b) the individual does not regularly engage in the practice of medicine in this state;
(c) the individual holds a current license in good standing to practice medicine issued by another state, district or territory of the United States, or Canada;
(d) the primary purpose of the event is the training of others in the practice of medicine; and
(e) neither the patient nor an insurer is billed for the services performed.

Amended by Chapter 340, 2025 General Session

58-67-306 Status of licenses held on the effective date of this chapter.

An individual holding a current license as a physician and surgeon that was issued under any prior state law is considered to hold a current license in the same classification under this chapter.

Enacted by Chapter 248, 1996 General Session

Part 4
License Denial and Discipline

58-67-401 Grounds for denial of license -- Disciplinary proceedings.

(1) Subject to Subsection (2), grounds for division action are set forth in Sections 58-1-401 and 58-67-503.
(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

Amended by Chapter 404, 2021 General Session

58-67-402 Authority to assess penalty.

The division in collaboration with the board may assess penalties as described in Section 58-67-503.

Repealed and Re-enacted by Chapter 214, 2011 General Session

58-67-403 Revocation of license -- Nondisciplinary.

Revocation by the division of a license under Subsection 58-67-302(1)(e) for failure to continue on a resident training program for reasons other than unprofessional or unlawful conduct is a nondisciplinary action and may not be reported by the division as a disciplinary action against the licensee.

Amended by Chapter 339, 2020 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-67-501 Unlawful conduct.

(1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
- (a) buying, selling, or fraudulently obtaining, any medical diploma, license, certificate, or registration;
- (b) aiding or abetting the buying, selling, or fraudulently obtaining of any medical diploma, license, certificate, or registration;
- (c) substantially interfering with a licensee's lawful and competent practice of medicine in accordance with this chapter by:
  - (i) any person or entity that manages, owns, operates, or conducts a business having a direct or indirect financial interest in the licensee's professional practice; or
  - (ii) anyone other than another physician licensed under this title, who is engaged in direct clinical care or consultation with the licensee in accordance with the standards and ethics of the profession of medicine; or
- (d) entering into a contract that limits a licensee's ability to advise the licensee's patients fully about treatment options or other issues that affect the health care of the licensee's patients.

(2) "Unlawful conduct" does not include:
- (a) establishing, administering, or enforcing the provisions of a policy of accident and health insurance by an insurer doing business in this state in accordance with Title 31A, Insurance Code;
- (b) adopting, implementing, or enforcing utilization management standards related to payment for a licensee's services, provided that:
  - (i) utilization management standards adopted, implemented, and enforced by the payer have been approved by a physician or by a committee that contains one or more physicians; and
  - (ii) the utilization management standards does not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;
- (c) developing and implementing clinical practice standards that are intended to reduce morbidity and mortality or developing and implementing other medical or surgical practice standards related to the standardization of effective health care practices, provided that:
  - (i) the practice standards and recommendations have been approved by a physician or by a committee that contains one or more physicians; and
  - (ii) the practice standards do not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;
- (d) requesting or recommending that a patient obtain a second opinion from a licensee;

(e) conducting peer review, quality evaluation, quality improvement, risk management, or similar activities designed to identify and address practice deficiencies with health care providers, health care facilities, or the delivery of health care;
(f) providing employment supervision or adopting employment requirements that do not interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients, provided that employment requirements that may not be considered to interfere with an employed licensee's exercise of independent professional judgment include:
(i) an employment requirement that restricts the licensee's access to patients with whom the licensee's employer does not have a contractual relationship, either directly or through contracts with one or more third-party payers; or
(ii) providing compensation incentives that are not related to the treatment of any particular patient;
(g) providing benefit coverage information, giving advice, or expressing opinions to a patient or to a family member of a patient to assist the patient or family member in making a decision about health care that has been recommended by a licensee;
(h) in compliance with Section 58-85-103:
(i) obtaining an investigational drug or investigational device;
(ii) administering the investigational drug to an eligible patient; or
(iii) treating an eligible patient with the investigational drug or investigational device; or
(i) any otherwise lawful conduct that does not substantially interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients and that does not constitute the practice of medicine as defined in this chapter.

Amended by Chapter 110, 2015 General Session

58-67-502 Unprofessional conduct.
(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;
(b) making a material misrepresentation regarding the qualifications for licensure under Section 58-67-302.7 or 58-67-302.8;
(c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88, Part 2, Dispensing Practice, if applicable;
(d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
(e) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under this chapter is found guilty of a crime in connection with the violation;
(f) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
(g) performing, or causing to be performed, upon an individual who is less than 18 years old:
(i) a primary sex characteristic surgical procedure; or
(ii) a secondary sex characteristic surgical procedure; or
(h) designating a child as do not resuscitate without parental consent.

(2) "Unprofessional conduct" does not include:
(a) in compliance with Section 58-85-103:
(i) obtaining an investigational drug or investigational device;
(ii) administering the investigational drug to an eligible patient; or
(iii) treating an eligible patient with the investigational drug or investigational device;
(b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:
(i) when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis; or
(ii) when registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201, providing pharmacy medical provider services in a medical cannabis pharmacy;
(c) refusing to participate in the execution of a death sentence authorized under Section 77-19-10; or
(d) participating in the execution of a death sentence authorized under Section 77-19-10 in accordance with state law and Department of Corrections protocol.
(3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician described in Subsection (2)(b).

Amended by Chapter 64, 2026 General Session

58-67-503 Penalties and administrative actions for unlawful and unprofessional conduct.
(1) Any person that violates the unlawful conduct provisions of Section 58-67-501 or Section 58-1-501 is guilty of a third degree felony.
(2)
(a) Subject to Subsection (4), the division may punish unprofessional or unlawful conduct by:
(i) assessing administrative penalties; or
(ii) taking other appropriate administrative action.
(b) The division shall deposit a monetary administrative penalty imposed under this section into the Physician Education and Enforcement Fund created in Section 58-67a-1.
(3) If a licensee is convicted of unlawful conduct, described in Section 58-67-501, before an administrative proceeding regarding the same conduct, the division may not assess an additional administrative fine under this chapter for the same conduct.
(4)
(a) If the division concludes that an individual has violated provisions of Section 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:
(i) issue a citation to the individual;
(ii) attempt to negotiate a stipulated settlement; or
(iii)
(A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(B) invite the individual to appear.

(b) The division may take the following action against an individual who is in violation of a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:

(i) assess a fine of up to $10,000 per single violation or up to $2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or

(ii) order to cease and desist from the behavior that constitutes a violation of the provisions described in Subsection (4)(a).

(c) The division may not suspend or revoke an individual's license through a citation.

(d) Each citation issued under this section shall:

(i) be in writing;

(ii) clearly describe or explain:

(A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(B) that the recipient must notify the division in writing within 20 calendar days from the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(C) the consequences of failure to timely contest the citation or pay the fine assessed by the citation within the time specified in the citation; and

(iii) be served in accordance with the Utah Rules of Civil Procedure.

(e)

(i) If the individual to whom the division issues the citation fails to request a hearing to contest the citation within 20 calendar days from the day on which the division serves the citation , the citation:

(A) becomes the final order of the division; and

(B) is not subject to further agency review.

(ii) The division may extend the period to contest the citation for cause.

(f) The division may refuse to issue or renew or suspend, revoke, or place on probation the license of an individual who fails to comply with a citation after the citation becomes final.

(g) The failure of an applicant for licensure to comply with a citation after the citation becomes final is grounds for denial of license.

(h) The division may not issue a citation under this section after the expiration of one year following the date on which the division receives the report of the violation that is the subject of the citation.

(5)

(a) The director may collect a penalty imposed under this section that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 362, 2026 General Session

Part 6
Impaired Physician

58-67-601 Mentally incompetent or incapacitated physician.

(1) As used in this section:

(a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.

(b) "Mental illness" means the same as that term is defined in Section 26B-5-301.

(c) "Physician" means an individual licensed under this chapter.

(2) If a court of competent jurisdiction determines a physician is an incapacitated person or that the physician has a mental illness and is unable to safely engage in the practice of medicine, the director shall immediately suspend the license of the physician upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the physician, in writing, of the suspension.

(3)

(a) If the division and a majority of the board find reasonable cause to believe a physician, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the physician with a notice of hearing on the sole issue of the capacity of the physician to competently and safely engage in the practice of medicine.

(b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).

(4)

(a) Every physician who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting at the physician's own expense to an immediate mental or physical examination when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the physician has a mental illness, is incapacitated, or otherwise unable to practice medicine with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the physician's patients or the general public.

(c)

(i) Failure of a physician to submit to the examination ordered under this section is a ground for the division's immediate suspension of the physician's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the physician and was not related directly to the illness or incapacity of the physician.

(5)

(a) A physician whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.
(b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the physician's patients or the general public.
(6) A physician whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the physician, under procedures established by division rule, regarding any change in the physician's condition, to determine whether:
(a) the physician is or is not able to safely and competently engage in the practice of medicine; and
(b) the physician is qualified to have the physician's license to practice under this chapter restored completely or in part.

Amended by Chapter 329, 2023 General Session

Part 7
Immunity Provisions

58-67-701 Immunity provisions apply.

Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, applies to licensees under this chapter.

Enacted by Chapter 248, 1996 General Session

58-67-702 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.

(1) As used in this section:
(a) "Dispense" means the same as that term is defined in Section 58-17b-102.
(b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.
(c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
(d)
(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
(ii) "Opiate antagonist" includes an expired opiate antagonist.
(e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
(f) "Prescribe" means the same as that term is defined in Section 58-17b-102.
(2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
(a) in a good faith effort to assist:
(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

(ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

(b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).

(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

Part 8
Practice Standards

58-67-801 Disclosure of financial interest by licensee.

(1) Licensees under this chapter may not refer patients, clients, or customers to any clinical laboratory, ambulatory or surgical care facilities, or other treatment or rehabilitation services such as physical therapy, cardiac rehabilitation, radiology services, dispensing optical lens facility, or lithotripsy, in which the licensee or a member of the licensee's immediate family has any financial relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient, client, or customer.

(2) The written disclosure under Subsection (1) shall also state the patient may choose any facility or service center for purpose of having the laboratory work or treatment service performed.

Enacted by Chapter 248, 1996 General Session

58-67-802 Form of practice.

(1) A physician and surgeon licensed under this chapter may engage in practice as a physician and surgeon, or in the practice of medicine only as an individual licensee; but as an individual licensee, a physician and surgeon may be:

(a) an individual operating as a business proprietor;

(b) an employee of another person;

(c) a partner in a lawfully organized partnership;

(d) a lawfully formed professional corporation;

(e) a lawfully organized limited liability company;

(f) a lawfully organized business corporation; or

(g) any other form of organization recognized by the state which is not prohibited by division rule made in collaboration with the board.

(2) Regardless of the form in which a licensee engages in the practice of medicine, the licensee may only permit the practice of medicine in that form of practice to be conducted by an individual:

(a) licensed in Utah as a physician and surgeon under Section 58-67-301 or as an osteopathic physician and surgeon under Section 58-68-301; and

(b) who is able to lawfully and competently engage in the practice of medicine.

Amended by Chapter 302, 2025 General Session

58-67-803 Medical records -- Electronic records.

(1) Medical records maintained by a licensee shall:
  (a) meet the standards and ethics of the profession; and
  (b) be maintained in accordance with division rules made in collaboration with the board.
(2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Enacted by Chapter 248, 1996 General Session

58-67-804 Consumer access to provider charges.

Beginning January 1, 2011, a physician licensed under this chapter shall, when requested by a consumer:

(1) make a list of prices charged by the physician available for the consumer which includes the physician's 25 most frequently performed:
  (a) clinic procedures or clinic services;
  (b) out-patient procedures; and
  (c) in-patient procedures; and
(2) provide the consumer with information regarding any discount available for:
  (a) services not covered by insurance; or
  (b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-67-805 Supervision of cosmetic medical procedures.

(1) Except as provided in Subsection (2), a physician may not delegate the performance of an ablative cosmetic medical procedure to an individual who is not licensed under this chapter or Chapter 68, Utah Osteopathic Medical Practice Act.
(2) A physician may delegate to an advanced practice registered nurse with an unrestricted license under Chapter 31b, Nurse Practice Act, the performance of an erbium full ablation resurfacing procedure or a CO2 fractionated resurfacing procedure, if the physician:
  (a) prescribes that specific procedure for the patient who is to receive the procedure;
  (b) ensures that the advanced practice registered nurse performs the procedure under the indirect supervision of the physician; and
  (c) verifies that the advanced practice registered nurse is qualified to perform the procedure by having received at least 50 hours of training specific to the procedure to be performed and the laser to be used.

Enacted by Chapter 362, 2012 General Session

58-67-806 Representation of medical specialization.

(1) A physician may not represent to another person that the physician is certified in a medical specialty or certified by a particular board unless:
  (a) the physician includes in the representation the name of:
    (i) the certification board or entity; and
    (ii) the medical specialty for which the physician is certified; and
  (b) the board or certification entity meets the requirements of Subsection (2).
(2) A certification entity or board under Subsection (1) shall meet the following qualifications:

(a) be included in the American Board of Medical Specialties or an American Osteopathic Association Certifying Board; or
(b)
(i) require an Accreditation Council for Graduate Medical Education or American Osteopathic Association approved postgraduate training program that provides complete training in the specialty or subspeciality; and
(ii) be certified or had prior certification by the member board of the American Board of Medical Specialties or an American Osteopathic Certifying Board.

Amended by Chapter 262, 2013 General Session

58-67-807 Collaborative practice arrangement.
(1)
(a) The division, in consultation with the board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the approval of a collaborative practice arrangement.
(b) The division shall require a collaborative practice arrangement to:
(i) limit the associate physician to providing primary care services;
(ii) be consistent with the skill, training, and competence of the associate physician;
(iii) specify jointly agreed-upon protocols, or standing orders for the delivery of health care services by the associate physician;
(iv) provide complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the associate physician;
(v) list all other offices or locations besides those listed in Subsection (1)(b)(iv) where the collaborating physician authorizes the associate physician to prescribe;
(vi) require at every office where the associate physician is authorized to prescribe in collaboration with a physician a prominently displayed disclosure statement informing patients that patients may be seen by an associate physician and have the right to see the collaborating physician;
(vii) specify all specialty or board certifications of the collaborating physician and all certifications of the associate physician;
(viii) specify the manner of collaboration between the collaborating physician and the associate physician, including how the collaborating physician and the associate physician shall:
(A) engage in collaborative practice consistent with each professional's skill, training, education, and competence;
(B) maintain geographic proximity; and
(C) provide oversight of the associate physician during the absence, incapacity, infirmity, or emergency of the collaborating physician;
(ix) describe the associate physician's controlled substance prescriptive authority in collaboration with the collaborating physician, including:
(A) a list of the controlled substances the collaborating physician authorizes the associate physician to prescribe; and
(B) documentation that the authorization to prescribe the controlled substances is consistent with the education, knowledge, skill, and competence of the associate physician and the collaborating physician;
(x) list all other written practice arrangements of the collaborating physician and the associate physician; and

(xi) specify the duration of the written practice arrangement between the collaborating physician and the associate physician.

(c) An associate physician and the collaborating physician may modify a collaborative practice arrangement, but the changes to the collaborative practice arrangement are not binding unless:

(i) the associate physician notifies the division within 10 days after the day on which the changes are made; and

(ii) the division approves the changes.

(2) An associate physician:

(a) shall clearly identify himself or herself as an associate physician;

(b) is permitted to use the title "doctor" or "Dr."; and

(c) if authorized under a collaborative practice arrangement to prescribe Schedule III through V controlled substances, shall register with the United States Drug Enforcement Administration as part of the drug enforcement administration's mid-level practitioner registry.

(3)

(a) A physician or surgeon licensed and in good standing under Section 58-67-302 may enter into a collaborative practice arrangement with an associate physician licensed under Section 58-67-302.8.

(b) A physician or surgeon may not enter into a collaborative practice arrangement with more than three full-time equivalent associate physicians.

(c)

(i) No contract or other agreement shall:

(A) require a physician to act as a collaborating physician for an associate physician against the physician's will;

(B) deny a collaborating physician the right to refuse to act as a collaborating physician, without penalty, for a particular associate physician; or

(C) limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any associate physician.

(ii) Subsection (3)(c)(i)(C) does not authorize a physician, in implementing protocols, standing orders, or delegation, to violate a hospital's established applicable standards for safe medical practice.

(d) A collaborating physician is responsible at all times for the oversight of the activities of, and accepts responsibility for, the primary care services rendered by the associate physician.

(4) The division shall makes rules, in consultation with the board, the deans of medical schools in the state, and primary care residency program directors in the state, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing educational methods and programs that:

(a) an associate physician shall complete throughout the duration of the collaborative practice arrangement;

(b) shall facilitate the advancement of the associate physician's medical knowledge and capabilities; and

(c) may lead to credit toward a future residency program.

Amended by Chapter 389, 2022 General Session

Chapter 67a
Physicians Education Fund

58-67a-1 Physicians Education and Enforcement Fund.

(1) There is created an expendable special revenue fund known as the "Physicians Education and Enforcement Fund."
(2) The division shall deposit penalties ordered and collected under this section into the Physicians Education and Enforcement Fund.
(3) The Physicians Education and Enforcement Fund shall earn interest, and the division shall deposit all interest earned on account money into the account.
(4) The director, with the concurrence of the board, may make distributions from the fund for the following purposes:
  (a) education and training:
    (i) that covers:
      (A) the requirements of this title;
      (B) division rules related to this title;
      (C) the requirements of Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; and
      (D) any division rules related to Chapter 37, Controlled Substances, and Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances; and
    (ii) that the division makes available for:
      (A) physicians and surgeons;
      (B) osteopathic physicians and surgeons;
      (C) naturopathic physicians;
      (D) division staff; and
      (E) members of the board; and
  (b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice Act, by:
    (i) investigating unprofessional or unlawful conduct;
    (ii) obtaining legal representation for the division to bring an action against a person engaging in unprofessional or unlawful conduct; and
    (iii) monitoring compliance of renewal requirements.
(5) If the balance in the fund exceeds $100,000 at the close of any fiscal year, the division shall transfer any amount that exceeds $100,000 to the General Fund.
(6) The division shall report on the fund annually to the appropriate appropriations subcommittee of the Legislature.

Amended by Chapter 362, 2026 General Session

Chapter 67b
Interstate Medical Licensure Compact

58-67b-101 Title.

This chapter is known as the "Interstate Medical Licensure Compact."

Enacted by Chapter 24, 2015 General Session

58-67b-102 Section 1 -- Purpose.

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

Enacted by Chapter 24, 2015 General Session

58-67b-103 Section 2 -- Definitions.

In this compact:

(1) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 58-67b-112 for its governance, or for directing and controlling its actions and conduct.

(2) "Commissioner" means the voting representative appointed by each member board pursuant to Section 58-67b-112.

(3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.

(5) "Interstate Commission" means the interstate commission created pursuant to Section 58-67b-112.

(6) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(7) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(8) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(9) "Member state" means a state that has enacted the Compact.

(10) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

(11) "Physician" means any person who:

(a) is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(b) passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three

attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
(c) successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
(d) holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;
(e) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
(f) has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
(g) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;
(h) has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and
(i) is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(12) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(13) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 58-67b-113 that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) "State" means any state, commonwealth, district, or territory of the United States.

(15) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

Enacted by Chapter 24, 2015 General Session

58-67b-104 Section 3 -- Eligibility.

(1) A physician must meet the eligibility requirements as defined in Subsection 58-67b-103(11) to receive an expedited license under the terms and provisions of the Compact.

(2) A physician who does not meet the requirements of Subsection 58-67b-103(11) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

Enacted by Chapter 24, 2015 General Session

58-67b-105 Section 4 -- Designation of state of principal license.

(1) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:
(a) the state of primary residence for the physician;

(b) the state where at least 25% of the practice of medicine occurs;
(c) the location of the physician's employer; or
(d) if no state qualifies under Subsection (1)(a), Subsection (1)(b), or Subsection (1)(c), the state designated as state of residence for purpose of federal income tax.
(2) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in Subsection (1).
(3) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

Enacted by Chapter 24, 2015 General Session

58-67b-106 Section 5 -- Application and issuance of expedited licensure.
(1) A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.
(2) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission, including:
(a) static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where the primary source has already been verified by the state of principal license;
(b)
(i) the member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S. C.F.R. Sec. 731.202; and
(ii) if the state selected as the state of principal license is Utah:
(A) the member board in Utah shall submit the applicant's fingerprints and any other personal identification information necessary for the performance of the background check to the Bureau of Criminal Identification within the Utah Department of Public Safety; and
(B) the Bureau of Criminal Identification shall perform the background check, including submitting the personal identification information to the Federal Bureau of Investigation, and inform the member board of the results; and
(c) appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.
(3) Upon verification in Subsection (2), physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to Subsection (1), including the payment of any applicable fees.
(4) After receiving verification of eligibility under Subsection (2) and any fees under Subsection (3), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(5) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.
(6) An expedited license obtained though the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.
(7) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

Enacted by Chapter 24, 2015 General Session

58-67b-107 Section 6 -- Fees for expedited licensure.
(1) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.
(2) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

Enacted by Chapter 24, 2015 General Session

58-67b-108 Section 7 -- Renewal and continued participation.
(1) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:
  (a) maintains a full and unrestricted license in a state of principal license;
  (b) has not been convicted or received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
  (c) has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and
  (d) has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.
(2) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.
(3) The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.
(4) Upon receipt of any renewal fees collected in Subsection (3), a member board shall renew the physician's license.
(5) Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.
(6) The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

Enacted by Chapter 24, 2015 General Session

58-67b-109 Section 8 -- Coordinated information system.
(1) The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under Section 58-67b-106.
(2) Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

(3) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.
(4) Member boards may report any non-public complaint, disciplinary, or investigatory information not required by Subsection (3) to the Interstate Commission.
(5) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.
(6) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.
(7) The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

Enacted by Chapter 24, 2015 General Session

58-67b-110 Section 9 -- Joint investigations.
(1) Licensure and disciplinary records of physicians are deemed investigative.
(2) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.
(3) A subpoena issued by a member state shall be enforceable in other member states.
(4) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.
(5) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

Enacted by Chapter 24, 2015 General Session

58-67b-111 Section 10 -- Disciplinary actions.
(1) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.
(2) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.
(3) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:
  (a) impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice act of that state; or
  (b) pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(4) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for 90 days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the 90-day suspension period in a manner consistent with the medical practice act of that state.

Enacted by Chapter 24, 2015 General Session

58-67b-112 Section 11 -- Interstate Medical Licensure Compact Commission.

(1) The member states hereby create the "Interstate Medical Licensure Compact Commission."
(2) The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.
(3) The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.
(4) The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be:
  (a) an allopathic or osteopathic physician appointed to a member board;
  (b) an executive director, executive secretary, or similar executive of a member board; or
  (c) a member of the public appointed to a member board.
(5) The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.
(6) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
(7) Each commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of Subsection (4).
(8) The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:
  (a) relate solely to the internal personnel practices and procedures of the Interstate Commission;
  (b) discuss matters specifically exempted from disclosure by federal statute;
  (c) discuss trade secrets, commercial, or financial information that is privileged or confidential;
  (d) involve accusing a person of a crime, or formally censuring a person;

(e) discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
(f) discuss investigative records compiled for law enforcement purposes; or
(g) specifically relate to the participation in a civil action or other legal proceeding.
(9) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.
(10) The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.
(11) The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.
(12) The Interstate Commission may establish other committees for governance and administration of the Compact.

Enacted by Chapter 24, 2015 General Session

58-67b-113 Section 12 -- Powers and duties of the Interstate Commission.

The Interstate Commission shall have the duty and power to:
(1) oversee and maintain the administration of the Compact;
(2) promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;
(3) issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;
(4) enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;
(5) establish and appoint committees including, but not limited to, an executive committee as required by Section 58-67b-112, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
(6) pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;
(7) establish and maintain one or more offices;
(8) borrow, accept, hire, or contract for services of personnel;
(9) purchase and maintain insurance and bonds;
(10) employ an executive director who shall have the power to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;
(11) establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
(12) accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;

(13) lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed;
(14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
(15) establish a budget and make expenditures;
(16) adopt a seal and bylaws governing the management and operation of the Interstate Commission;
(17) report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year, which shall include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;
(18) coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;
(19) maintain records in accordance with the bylaws;
(20) seek and obtain trademarks, copyrights, and patents; and
(21) perform such functions as may be necessary or appropriate to achieve the purposes of the Compact.

Enacted by Chapter 24, 2015 General Session

58-67b-114 Section 13 -- Finance powers.

(1) The Interstate Commission may levy and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
(2) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.
(3) The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.
(4) The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

Enacted by Chapter 24, 2015 General Session

58-67b-115 Section 14 -- Organization and operation of the Interstate Commission.

(1) The Interstate Commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within 12 months of the first Interstate Commission meeting.
(2) The Interstate Commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.
(3) Officers selected in Subsection (2) shall serve without remuneration from the Interstate Commission.
(4)

(a) The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(b) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this Subsection (4)(b) shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(c) The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(d) To the extent not covered by the state involved, the member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

Enacted by Chapter 24, 2015 General Session

58-67b-116 Section 15 -- Rulemaking functions of the Interstate Commission.

(1) The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

(2) Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Revised Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

(3) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal

district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

Enacted by Chapter 24, 2015 General Session

58-67b-117 Section 16 -- Oversight of Interstate Compact.

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.
(2) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities, or actions of the Interstate Commission.
(3) The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

Enacted by Chapter 24, 2015 General Session

58-67b-118 Section 17 -- Enforcement of Interstate Compact.

(1) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.
(2) The Interstate Commission may, by majority vote of the commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.
(3) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Enacted by Chapter 24, 2015 General Session

58-67b-119 Section 18 -- Default procedures.

(1) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.
(2) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(a) provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and
(b) provide remedial training and specific technical assistance regarding the default.

(3) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.
(4) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
(5) The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.
(6) The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.
(7) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
(8) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

Enacted by Chapter 24, 2015 General Session

58-67b-120 Section 19 -- Dispute resolution.

(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.
(2) The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

Enacted by Chapter 24, 2015 General Session

58-67b-121 Section 20 -- Member states, effective date and amendment.

(1) Any state is eligible to become a member state of the Compact.
(2) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.
(3) The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.

(4) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

Enacted by Chapter 24, 2015 General Session

58-67b-122 Section 21 -- Withdrawal.

(1) Once effective, the Compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the Compact by specifically repealing the statute that enacted the Compact into law.
(2) Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.
(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.
(4) The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notice provided under Subsection (3).
(5) The withdrawing state is responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.
(6) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.
(7) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

Enacted by Chapter 24, 2015 General Session

58-67b-123 Section 22 -- Dissolution.

(1) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the Compact to one member state.
(2) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

Enacted by Chapter 24, 2015 General Session

58-67b-124 Section 23 -- Severability and construction.

(1) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.
(2) The provisions of the Compact shall be liberally construed to effectuate its purposes.
(3) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

Enacted by Chapter 24, 2015 General Session

58-67b-125 Section 24 -- Binding effect of Compact and other laws.

(1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.
(2) All laws in a member state, including Title 63G, Chapter 4, Administrative Procedures Act, in conflict with the Compact are superseded to the extent of the conflict.
(3) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.
(4) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.
(5) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Enacted by Chapter 24, 2015 General Session

Chapter 68
Utah Osteopathic Medical Practice Act

Part 1
General Provisions

58-68-101 Title.

This chapter is the "Utah Osteopathic Medical Practice Act."

Enacted by Chapter 248, 1996 General Session

58-68-102 Definitions.

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

(1)
  (a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.
  (b) "Ablative procedure" does not include:
    (i) hair removal; or
    (ii) laser tattoo removal.
(2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.
(3) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(4) "AOA" means the American Osteopathic Association.
(5) "Associate physician" means an individual licensed under Section 58-68-302.5.
(6) "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.

(7) "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.
(8) "Board" means the Medical Licensing Board created in Section 58-67-201.
(9) "Collaborating physician" means an individual licensed under Section 58-68-302 who enters into a collaborative practice arrangement with an associate physician.
(10) "Collaborative practice arrangement" means the arrangement described in Section 58-68-807.
(11)
(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 (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) "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);
(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (13)(a); or
(d) to make an examination or determination as described in Subsection (13)(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) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-68-305(6).
(15) "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) "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) "Physician" means both physicians and surgeons licensed under Chapter 67, Part 3, Licensing, and osteopathic physicians and surgeons licensed under Part 3, Licensing.

(19)

(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 maintain an office or place of business for the purpose of doing any of the acts described in Subsection (19)(a)(i) or (ii) whether or not for compensation; or
(iv) 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) 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; or
(iii) conduct under Subsection 58-68-501(2).

(20) "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) "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)

(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) 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)
(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) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.

(25) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-501.

(26) "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.

Amended by Chapter 491, 2025 General Session

Part 3
Licensing

58-68-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of osteopathic medicine on or for any person in Utah, as an osteopathic physician and surgeon, except as specifically provided in Section 58-1-307 or 58-68-305.

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of osteopathic physician and surgeon.

Enacted by Chapter 248, 1996 General Session

58-68-302 Qualifications for licensure.

(1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth in Subsection (2), shall:

(a) submit an application in a form the division approves, which may include:

(i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant;

(ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and

(iii) authorization to use a record coordination and verification service approved by the division in collaboration with the board;

(b) pay a fee determined by the department under Section 63J-1-504;

(c)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves;

(d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as an osteopathic physician and surgeon, as evidenced by:

(i) having received an earned degree of doctor of osteopathic medicine from an AOA approved medical school or college; or

(ii) submitting a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board, if the applicant is graduated from an osteopathic medical school or college located outside of the United States or its territories which at the time of the applicant's graduation, met criteria for accreditation by the AOA;

(e) satisfy the division and board that the applicant:

(i) has successfully completed 24 months of progressive resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine required under Subsection (1)(d); or

(ii)

(A) has successfully completed 12 months of resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine as required under Subsection (1)(d);

(B) has been accepted in and is successfully participating in progressive resident training in an ACGME or AOA approved program within Utah, in the applicant's second or third year of postgraduate training; and

(C) has agreed to surrender to the division the applicant's license as an osteopathic physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon will be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME or AOA approved progressive resident training program within the state;

(f) pass the licensing examination sequence required by division rule, as made in collaboration with the board;

(g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board, if requested by the board;

(h) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure;

(i) designate:

(i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and

(ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person for access to medical records; and

(j) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.

(2) An applicant for licensure as an osteopathic physician and surgeon by endorsement who is currently licensed to practice osteopathic medicine in any state other than Utah, a district or territory of the United States, or Canada shall:

(a) be currently licensed with a full unrestricted license in good standing in any state, district or territory of the United States, or Canada;

(b) have been actively engaged in the legal practice of osteopathic medicine in any state, district or territory of the United States, or Canada for not less than 6,000 hours during the five years immediately preceding the day on which the applicant applied for licensure in Utah;

(c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through (j);

(d) have passed the licensing examination sequence required in Subsection (1)(f) or another medical licensing examination sequence in another state, district or territory of the United States, or Canada that the division in collaboration with the board by rulemaking determines is equivalent to the board's own required examination;

(e) not have any investigation or action pending against any health care license of the applicant, not have a health care license that was suspended or revoked in any state, district or territory of the United States, or Canada, and not have surrendered a health care license in lieu of a disciplinary action, unless:

(i) the license was subsequently reinstated as a full unrestricted license in good standing; or

(ii) the division in collaboration with the board determines, after full disclosure by the applicant, that:

(A) the conduct has been corrected, monitored, and resolved; or
(B) a mitigating circumstance exists that prevents its resolution, and the division in collaboration with the board is satisfied that, but for the mitigating circumstance, the license would be reinstated;
(f) submit to a records review, a practice review history, and physical and psychological assessments, if requested by the division in collaboration with the board; and
(g) produce evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.
(3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the division processes the applicant's application for licensure if:
(a) the applicant submits a complete application required for temporary licensure to the division;
(b) the applicant submits a written document to the division from:
(i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection, stating that the applicant is practicing under the:
(A) invitation of the health care facility; and
(B) the general supervision of a physician practicing at the health care facility; or
(ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:
(A) the applicant is practicing under the invitation and general supervision of the individual; and
(B) the applicant will practice at the same clinical location as the individual;
(c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);
(d) the applicant does not engage in the practice of medicine until the division issues a temporary license;
(e) the temporary license is issued for only one year from the date of issuance and may not be extended or renewed; and
(f) the temporary license expires immediately and before the expiration of one year from issuance, upon notification from the division that the division denied the applicant's application for licensure by endorsement.
(4) The division shall issue a temporary license under Subsection (3) within 15 business days after the applicant satisfies the requirements of Subsection (3).
(5) The division may not require a:
(a) post-residency board certification; or
(b) a cognitive test when the physician reaches a specified age, unless the test reflects the standards described in Subsections 58-67-302(5)(b)(i) through (x).

Amended by Chapter 443, 2025 General Session

58-68-302.5 Restricted licensing of an associate physician.
(1) An individual may apply for a restricted license as an associate physician if the individual:
(a) meets the requirements described in Subsections 58-68-302(1)(a) through (c), (1)(d)(i), and (1)(g) through (j);
(b) successfully completes Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent steps of another board-approved medical licensing examination:
(i) within three years after the day on which the applicant graduates from a program described in Subsection 58-68-302(1)(d)(i); and

(ii) within two years before applying for a restricted license as an associate physician; and
(c) is not currently enrolled in and has not completed a residency program.
(2) Before a licensed associate physician may engage in the practice of medicine, the licensed associate physician shall:
(a) enter into a collaborative practice arrangement described in Section 58-68-807 within six months after the associate physician's initial licensure; and
(b) receive division approval of the collaborative practice arrangement.

Amended by Chapter 389, 2022 General Session

58-68-303 Term of license -- Expiration -- Renewal.
(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.
(2) At the time of renewal, the licensee shall:
(a) view a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division;
(b) show compliance with continuing education renewal requirements; and
(c) show compliance with the requirement for designation of a contact person and alternate contact person for access to medical records and notice to patients as required by Subsections 58-68-304(1)(b) and (c).
(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.
(4) An individual may not be licensed as an associate physician for more than a total of six years.

Amended by Chapter 124, 2020 General Session

58-68-304 License renewal requirements.
(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:
(a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule in collaboration with the board;
(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-68-302(1)(i);
(c) if the licensee practices osteopathic medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for access to medical records for the licensee in accordance with Subsection 58-68-302(1)(j); and
(d) if the licensee is an associate physician licensed under Section 58-68-302.5, successfully complete the educational methods and programs described in Subsection 58-68-807(4).
(2) If a renewal period is extended or shortened under Section 58-68-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.
(3)
(a) An application to renew a license under this chapter shall:
(i) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and

(ii) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious physical risk of substantial impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

(b) The statement in Subsection (3)(a)(ii) shall be modified, if necessary, to ensure compliance with the definitions and requirements of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition.

(4) In order to assist the Department of Health and Human Services in fulfilling the department's responsibilities relating to the licensing of a health care facility and the enforcement of Title 76, Chapter 7, Part 3, Abortion, and Title 76, Chapter 7a, Abortion Prohibition, if a physician responds positively to the question described in Subsection (3)(a)(i), the division shall, within 30 days after the day on which it renews the physician's license under this chapter, inform the Department of Health and Human Services in writing:

(a) of the name and business address of the physician; and

(b) that the physician responded positively to the question described in Subsection (3)(a)(i).

(5) The division shall accept and apply toward the hour requirement in Subsection (1)(a) any continuing education that a physician completes in accordance with Section 26B-4-219.

Amended by Chapter 392, 2025 General Session

58-68-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3)

(a)

(i) a person engaged in the lawful sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and

(ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and

(b) Subsection (3)(a) does not:

(i) permit a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or

(ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);

(4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief without the use of prescription drugs;

(5) an individual authorized by the Department of Public Safety under Section 53-2d-103, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

(6) a medical assistant:

(a) administering a vaccine under the general supervision of a physician; or
(b) under the indirect supervision of a physician, engaging in tasks appropriately delegated by the physician in accordance with the standards and ethics of the practice of medicine, except for:
(i) performing surgical procedures;
(ii) prescribing prescription medications;
(iii) administering anesthesia other than a local anesthetic for minor procedural use; or
(iv) engaging in other medical practices or procedures as defined by division rule in collaboration with the board;
(7) an individual engaging in the practice of osteopathic medicine when:
(a) the individual is licensed in good standing as an osteopathic physician in another state with no licensing action pending and no less than 10 years of professional experience;
(b) the services are rendered as a public service and for a noncommercial purpose;
(c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
(d) the individual does not otherwise engage in unlawful or unprofessional conduct;
(8) an individual providing expert testimony in a legal proceeding; and
(9) an individual who is invited by a school, association, society, or other body approved by the division in collaboration with the board to conduct a clinic or demonstration of the practice of medicine in which patients are treated, if:
(a) the individual does not establish a place of business in this state;
(b) the individual does not regularly engage in the practice of medicine in this state;
(c) the individual holds a current license in good standing to practice medicine issued by another state, district or territory of the United States, or Canada;
(d) the primary purpose of the event is the training of others in the practice of medicine; and
(e) neither the patient nor an insurer is billed for the services performed.

Amended by Chapter 340, 2025 General Session

58-68-306 Status of licenses held on the effective date of this chapter.

An individual holding a current license as an osteopathic physician that was issued under any prior state law is considered to hold a current license in the same classification under this chapter.

Enacted by Chapter 248, 1996 General Session

Part 4
License Denial and Discipline

58-68-401 Grounds for denial of license -- Disciplinary proceedings.

(1) Subject to Subsection (2), grounds for division action are set forth in Sections 58-1-401 and 58-68-503.
(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

Amended by Chapter 404, 2021 General Session

58-68-402 Authority to assess penalties.

The division in collaboration with the board may assess penalties as described in Section 58-68-503.

Amended by Chapter 369, 2012 General Session

58-68-403 Revocation of license -- Nondisciplinary.

Revocation by the division of a license under Subsection 58-68-302(1)(e) for failure to continue on a resident training program for reasons other than unprofessional or unlawful conduct is a nondisciplinary action and may not be reported by the division as a disciplinary action against the licensee.

Amended by Chapter 339, 2020 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-68-501 Unlawful conduct.

(1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
- (a) buying, selling, or fraudulently obtaining any osteopathic medical diploma, license, certificate, or registration; and
- (b) aiding or abetting the buying, selling, or fraudulently obtaining of any osteopathic medical diploma, license, certificate, or registration;
- (c) substantially interfering with a licensee's lawful and competent practice of medicine in accordance with this chapter by:
  - (i) any person or entity that manages, owns, operates, or conducts a business having a direct or indirect financial interest in the licensee's professional practice; or
  - (ii) anyone other than another physician licensed under this title, who is engaged in direct clinical care or consultation with the licensee in accordance with the standards and ethics of the profession of medicine; or
- (d) entering into a contract that limits a licensee's ability to advise the licensee's patients fully about treatment options or other issues that affect the health care of the licensee's patients.

(2) "Unlawful conduct" does not include:
- (a) establishing, administering, or enforcing the provisions of a policy of accident and health insurance by an insurer doing business in this state in accordance with Title 31A, Insurance Code;
- (b) adopting, implementing, or enforcing utilization management standards related to payment for a licensee's services, provided that:
  - (i) utilization management standards adopted, implemented, and enforced by the payer have been approved by a physician or by a committee that contains one or more physicians; and
  - (ii) the utilization management standards does not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;

(c) developing and implementing clinical practice standards that are intended to reduce morbidity and mortality or developing and implementing other medical or surgical practice standards related to the standardization of effective health care practices, provided that:
(i) the practice standards and recommendations have been approved by a physician or by a committee that contains one or more physicians; and
(ii) the practice standards do not preclude a licensee from exercising independent professional judgment on behalf of the licensee's patients in a manner that is independent of payment considerations;
(d) requesting or recommending that a patient obtain a second opinion from a licensee;
(e) conducting peer review, quality evaluation, quality improvement, risk management, or similar activities designed to identify and address practice deficiencies with health care providers, health care facilities, or the delivery of health care;
(f) providing employment supervision or adopting employment requirements that do not interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients, provided that employment requirements that may not be considered to interfere with an employed licensee's exercise of independent professional judgment include:
(i) an employment requirement that restricts the licensee's access to patients with whom the licensee's employer does not have a contractual relationship, either directly or through contracts with one or more third-party payers; or
(ii) providing compensation incentives that are not related to the treatment of any particular patient;
(g) providing benefit coverage information, giving advice, or expressing opinions to a patient or to a family member of a patient to assist the patient or family member in making a decision about health care that has been recommended by a licensee;
(h) in compliance with Section 58-85-103:
(i) obtaining an investigational drug or investigational device;
(ii) administering the investigational drug to an eligible patient; or
(iii) treating an eligible patient with the investigational drug or investigational device; or
(i) any otherwise lawful conduct that does not substantially interfere with the licensee's ability to exercise independent professional judgment on behalf of the licensee's patients and that does not constitute the practice of medicine as defined in this chapter.

Amended by Chapter 110, 2015 General Session

58-68-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule;
(b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
(c) making a material misrepresentation regarding the qualifications for licensure under Section 58-68-302.5;
(d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
(e) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under this chapter is found guilty of a crime in connection with the violation;

(f) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
(g) performing or causing to be performed, upon an individual who is less than 18 years old:
(i) a primary sex characteristic surgical procedure; or
(ii) a secondary sex characteristic surgical procedure; or
(h) designating a child as do not resuscitate without parental consent.
(2) "Unprofessional conduct" does not include:
(a) in compliance with Section 58-85-103:
(i) obtaining an investigational drug or investigational device;
(ii) administering the investigational drug to an eligible patient; or
(iii) treating an eligible patient with the investigational drug or investigational device;
(b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis:
(i) when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis; or
(ii) when registered as a pharmacy medical provider, as that term is defined in Section 26B-4-201, providing pharmacy medical provider services in a medical cannabis pharmacy;
(c) refusing to participate in the execution of a death sentence authorized under Section 77-19-10; or
(d) participating in the execution of a death sentence authorized under Section 77-19-10 in accordance with state law and Department of Corrections protocol.
(3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician described in Subsection (2)(b).

Amended by Chapter 82, 2026 General Session

58-68-503 Penalties and administrative actions for unlawful and unprofessional conduct.
(1) Any person that violates the unlawful conduct provisions of Section 58-68-501 or Section 58-1-501 is guilty of a third degree felony.
(2)
(a) Subject to Subsection (4), the division may punish unprofessional or unlawful conduct by:
(i) assessing administrative penalties; or
(ii) taking any other appropriate administrative action.
(b) The division shall deposit a monetary administrative penalty imposed under this section into the Physician Education and Enforcement Fund created in Section 58-67a-1.
(3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before an administrative proceeding regarding the same conduct, the division may not assess an additional administrative fine under this chapter for the same conduct.
(4)
(a) If the division concludes that an individual has violated the provisions of Section 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or a provision described in a statute previously in effect in this state that is the same or substantially similar to a provision described in Section 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Controlled Substances, or Title

76, Chapter 18, Part 2, Offenses Concerning Controlled Substances, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:

(i) issue a citation to the individual;

(ii) attempt to negotiate a stipulated settlement; or

(iii)

(A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(B) invite the individual to appear.

(b) The division may take the following action against an individual who violates a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:

(i) assess a fine of up to $10,000 per single violation or $2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or

(ii) order to cease and desist from the behavior that constitutes a violation of provisions described in Subsection (4)(a).

(c) Except for an administrative fine and a cease and desist order, the division may not assess the licensure sanctions cited in Section 58-1-401 through a citation.

(d) Each citation issued under this section shall:

(i) be in writing;

(ii) clearly describe or explain:

(A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(B) that the recipient must notify the division in writing within 20 calendar days from the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(C) the consequences of failure to timely contest the citation or pay the fine assessed by the citation within the time specified in the citation; and

(iii) be served in accordance with the requirements of the Utah Rules of Civil Procedure.

(e)

(i) If the individual to whom the division issues the citation fails to request a hearing to contest the citation within 20 calendar days from the day on which the citation is served, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The division may extend the period to contest the citation for cause.

(f) The division may refuse to issue or renew or suspend, revoke, or place on probation the license of an individual who fails to comply with a citation after the citation becomes final.

(g) The failure of an applicant for licensure to comply with a citation after the citation becomes final is grounds for denial of a license.

(h) The division may not issue a citation under this section after the expiration of one year following the date on which the division receives the report of the violation that is the subject of the citation.

(5)

(a) The director may collect a penalty imposed under this section that is not paid by:

(i) referring the matter to a collection agency; or

(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 362, 2026 General Session

Part 6
Impaired Osteopathic Physician

58-68-601 Mentally incompetent or incapacitated osteopathic physician.

(1) As used in this section:
(a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.
(b) "Licensee" means an individual licensed under this chapter.
(c) "Mental illness" means the same as that term is defined in Section 26B-5-301.
(2) If a court of competent jurisdiction determines a licensee is an incapacitated person or that the licensee has a mental illness and is unable to safely engage in the practice of medicine, the director shall immediately suspend the license of the licensee upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the licensee, in writing, of the suspension.
(3)
(a) If the division and a majority of the board find reasonable cause to believe a licensee, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing osteopathic medicine with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the licensee with a notice of hearing on the sole issue of the capacity of the licensee to competently and safely engage in the practice of medicine.
(b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).
(4)
(a) Every individual who accepts the privilege of being licensed under this chapter gives consent to:
(i) submitting at the licensee's own expense to an immediate mental or physical examination when directed in writing by the division and a majority of the board to do so; and
(ii) the admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.
(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:
(i) the licensee has a mental illness, is incapacitated, or otherwise unable to practice medicine with reasonable skill and safety; and
(ii) immediate action by the division and the board is necessary to prevent harm to the licensee's patients or the general public.
(c)
(i) Failure of a licensee to submit to the examination ordered under this section is a ground for the division's immediate suspension of the licensee's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the licensee and was not related directly to the illness or incapacity of the licensee.

(5)

(a) A licensee whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the licensee's patients or the general public.

(6) A licensee whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the licensee, under procedures established by division rule, regarding any change in the licensee's condition, to determine whether:

(a) the licensee is or is not able to safely and competently engage in the practice of medicine; and

(b) the licensee is qualified to have the licensee's license to practice under this chapter restored completely or in part.

Amended by Chapter 329, 2023 General Session

Part 7
Immunity Provisions

58-68-701 Immunity provisions apply.

Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, applies to licensees under this chapter.

Enacted by Chapter 248, 1996 General Session

58-68-702 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.

(1) As used in this section:

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

(b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.

(c) "Increased risk" means the same as that term is defined in Section 26B-4-501.

(d)

(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.

(ii) "Opiate antagonist" includes an expired opiate antagonist.

(e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.

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

(2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:

(a) in a good faith effort to assist:
(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).
(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

Part 8
Practice Standards

58-68-801 Disclosure of financial interest by licensee.
(1) Licensees under this chapter may not refer patients, clients, or customers to any clinical laboratory, ambulatory or surgical care facilities, or other treatment or rehabilitation services such as physical therapy, cardiac rehabilitation, radiology services, dispensing optical lens facility, or lithotripsy, in which the licensee or a member of the licensee's immediate family has any financial relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient, client, or customer.
(2) The written disclosure under Subsection (1) shall also state the patient may choose any facility or service center for purpose of having the laboratory work or treatment service performed.

Enacted by Chapter 248, 1996 General Session

58-68-802 Form of practice.
(1) An osteopathic physician and surgeon licensed under this chapter may engage in practice as an osteopathic physician and surgeon or in the practice of osteopathic medicine only as an individual licensee, but as an individual licensee, an osteopathic physician and surgeon licensed under this chapter may be:
(a) an individual operating as a business proprietor;
(b) an employee of another person;
(c) a partner in a lawfully organized partnership;
(d) a lawfully formed professional corporation;
(e) a lawfully organized limited liability company;
(f) a lawfully organized business corporation; or
(g) any other form of organization the state recognizes and that the division does not prohibit by rule made in collaboration with the board.
(2) Regardless of the form in which a licensee engages in the practice of osteopathic medicine, the licensee may only permit the practice of medicine in that form of business practice to be conducted by an individual:

(a) licensed in Utah as an osteopathic physician and surgeon under Section 58-68-301 or as a physician and surgeon under Section 58-67-301; and
(b) who is able to lawfully and competently engage in the practice of medicine to direct or interfere in the licensee's practice of medicine.

Amended by Chapter 64, 2026 General Session

58-68-803 Medical records -- Electronic records.

(1) Medical records maintained by a licensee shall:
(a) meet the standards and ethics of the profession; and
(b) be maintained in accordance with division rules made in collaboration with the board.
(2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Enacted by Chapter 248, 1996 General Session

58-68-804 Consumer access to provider charges.

Beginning January 1, 2011, an osteopathic physician licensed under this chapter shall, when requested by a consumer:
(1) make a list of prices charged by the osteopathic physician available for the consumer which includes the osteopathic physician's 25 most frequently performed:
(a) clinic procedures or clinic services;
(b) out-patient procedures; and
(c) in-patient procedures; and
(2) provide the consumer with information regarding any discount available for:
(a) services not covered by insurance; or
(b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-68-805 Supervision of cosmetic medical procedures.

(1) Except as provided in Subsection (2), an osteopathic physician and surgeon may not delegate the performance of an ablative cosmetic medical procedure to an individual who is not licensed under this chapter or Chapter 67, Utah Medical Practice Act.
(2) A physician may delegate to an advanced practice registered nurse with an unrestricted license under Chapter 31b, Nurse Practice Act, the performance of an erbium full ablation resurfacing procedure or a CO2 fractionated resurfacing procedure, if the physician:
(a) prescribes that specific procedure for the patient who is to receive the procedure;
(b) ensures that the advanced practice registered nurse performs the procedure under the indirect supervision of the physician; and
(c) verifies that the advanced practice registered nurse is qualified to perform the procedure by having received at least 50 hours of training specific to the procedure to be performed and the laser to be used.

Enacted by Chapter 362, 2012 General Session

58-68-806 Representation of medical specialization.

(1) A physician may not represent to another person that the physician is certified in a medical specialty or certified by a particular board unless:
(a) the physician includes in the representation the name of:
(i) the certification board or entity; and
(ii) the medical specialty or procedure for which the physician is certified; and
(b) the board or certification entity meets the requirements of Subsection (2).
(2) A certification entity or board under Subsection (1) shall meet the following qualifications:
(a) be included in the American Board of Medical Specialties or an American Osteopathic Association Certifying Board; or
(b)
(i) require an Accreditation Council for Graduate Medical Education or American Osteopathic Association approved post-graduate training program that provides complete training in the specialty or sub-specialty; and
(ii) be certified or had prior certification by the member board of the American Board of Medical Specialties or an American Osteopathic Association Certifying Board.

Enacted by Chapter 162, 2012 General Session

58-68-807 Collaborative practice arrangement.
(1)
(a) The division, in consultation with the board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the approval of a collaborative practice arrangement.
(b) The division shall require a collaborative practice arrangement to:
(i) limit the associate physician to providing primary care services;
(ii) be consistent with the skill, training, and competence of the associate physician;
(iii) specify jointly agreed-upon protocols, or standing orders for the delivery of health care services by the associate physician;
(iv) provide complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the associate physician;
(v) list all other offices or locations besides those listed in Subsection (1)(b)(iv) where the collaborating physician authorizes the associate physician to prescribe;
(vi) require at every office where the associate physician is authorized to prescribe in collaboration with a physician a prominently displayed disclosure statement informing patients that patients may be seen by an associate physician and have the right to see the collaborating physician;
(vii) specify all specialty or board certifications of the collaborating physician and all certifications of the associate physician;
(viii) specify the manner of collaboration between the collaborating physician and the associate physician, including how the collaborating physician and the associate physician shall:
(A) engage in collaborative practice consistent with each professional's skill, training, education, and competence;
(B) maintain geographic proximity; and
(C) provide oversight of the associate physician during the absence, incapacity, infirmity, or emergency of the collaborating physician;
(ix) describe the associate physician's controlled substance prescriptive authority in collaboration with the collaborating physician, including:

(A) a list of the controlled substances the collaborating physician authorizes the associate physician to prescribe; and
(B) documentation that the authorization to prescribe the controlled substances is consistent with the education, knowledge, skill, and competence of the associate physician and the collaborating physician;
(x) list all other written practice arrangements of the collaborating physician and the associate physician; and
(xi) specify the duration of the written practice arrangement between the collaborating physician and the associate physician.
(c) An associate physician and the collaborating physician may modify a collaborative practice arrangement, but the changes to the collaborative practice arrangement are not binding unless:
(i) the associate physician notifies the division within 10 days after the day on which the changes are made; and
(ii) the division approves the changes.
(2) An associate physician:
(a) shall clearly identify himself or herself as an associate physician;
(b) is permitted to use the title "doctor" or "Dr."; and
(c) if authorized under a collaborative practice arrangement to prescribe Schedule III through V controlled substances, shall register with the United States Drug Enforcement Administration as part of the drug enforcement administration's mid-level practitioner registry.
(3)
(a) A physician or surgeon licensed and in good standing under Section 58-68-302 may enter into a collaborative practice arrangement with an associate physician licensed under Section 58-68-302.5.
(b) A physician or surgeon may not enter into a collaborative practice arrangement with more than three full-time equivalent associate physicians.
(c)
(i) No contract or other agreement shall:
(A) require a physician to act as a collaborating physician for an associate physician against the physician's will;
(B) deny a collaborating physician the right to refuse to act as a collaborating physician, without penalty, for a particular associate physician; or
(C) limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any associate physician.
(ii) Subsection (3)(c)(i)(C) does not authorize a physician, in implementing such protocols, standing orders, or delegation, to violate a hospital's established applicable standards for safe medical practice.
(d) A collaborating physician is responsible at all times for the oversight of the activities of, and accepts responsibility for, the primary care services rendered by the associate physician.
(4) The division shall makes rules, in consultation with the board, the deans of medical schools in the state, and primary care residency program directors in the state, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing educational methods and programs that:
(a) an associate physician shall complete throughout the duration of the collaborative practice arrangement;
(b) shall facilitate the advancement of the associate physician's medical knowledge and capabilities; and

(c) may lead to credit toward a future residency program.

Amended by Chapter 389, 2022 General Session

Chapter 69
Dentist and Dental Hygienist Practice Act

Part 1
General Provisions

58-69-101 Title.

This chapter is the "Dentist and Dental Hygienist Practice Act."

Enacted by Chapter 116, 1996 General Session

58-69-102 Definitions.

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

(1) "Asynchronous technology" means store-and-forward technology that allows for the transmission of a patient's health information to a dentist for viewing at a later time.

(2) "Board" means the Dentist and Dental Hygienist Licensing Board created in Section 58-69-201.

(3) "Dental assistant" means an unlicensed individual who engages in supervised acts and duties as defined by division rule made in collaboration with the board.

(4) "Dental hygienist" means an individual licensed under this chapter as a dental hygienist.

(5) "Dentist" means an individual licensed under this chapter as a dentist.

(6) "Direct supervision" means the supervising dentist is present and available for face-to-face communication with the person being supervised when and where professional services are being provided.

(7) "Expanded function" means a procedure that is authorized under Section 58-69-808.

(8) "General supervision" means that the supervising dentist is available for consultation regarding work the supervising dentist has authorized, without regard as to whether the supervising dentist is located on the same premises as the person being supervised.

(9) "Indirect supervision" means that the supervising dentist is present within the facility in which the person being supervised is providing services and is available to provide immediate face-to-face communication with the person being supervised.

(10) "Practice of dental hygiene" means, with respect to humans and subject to Section 58-69-801:

(a) performing a preliminary clinical examination of human teeth and gums;

(b) making preliminary instrumental examination of a patient's periodontium;

(c) conducting a dental hygiene assessment;

(d) formulating a dental hygiene treatment plan for a patient, and communicating those findings and treatment recommendations;

(e) evaluating a patient's progress towards achieving the goals specified in the dental hygiene treatment plan;

(f) modifying a dental hygiene treatment plan based on the ongoing reassessment and in collaboration with a dentist;

(g) removing deposits, accumulations, calculus, and concretions from the surfaces of human teeth;
(h) removing toxins and debris from subgingival surfaces;
(i) providing:
(i) delegated dental hygiene care in accordance with a dentist's treatment plan for a patient; or
(ii) dental hygiene care in accordance with a dental hygiene treatment plan;
(j) representing oneself by any title, degree, or in any other way as being a dental hygienist;
(k) administering local anesthesia and nitrous oxide analgesia, only as allowed by division rule and the supervision requirements described in Section 58-69-801;
(l) directing a dental assistant when the supervising dentist is not on the premises;
(m) exposing and capturing dental radiographs;
(n) making impressions or intraoral scans of teeth or jaws;
(o) performing tasks delegated by a dentist in other practices of dental hygiene as defined by division rule; and
(p) performing expanded functions in accordance with Section 58-69-808.
(11) "Practice of dentistry" means the following, regarding humans:
(a) to offer, undertake, or represent that a person will undertake by any means or method, including teledentistry, to:
(i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease, pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process, gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;
(ii) take an appropriate history and physical consistent with the level of professional service to be provided and the available resources in the facility in which the service is to be provided;
(iii) make impressions, intraoral scans, or registrations;
(iv) supply artificial teeth as substitutes for natural teeth, including placing veneers;
(v) remove deposits, accumulations, calculus, and concretions from the surfaces of teeth;
(vi) correct or attempt to correct malposition of teeth; and
(vii) prescribe, deliver, and provide follow-up care for oral appliance therapy, including as a treatment for sleep-disordered breathing and obstructive sleep apnea;
(b) to administer anesthetics necessary or proper in the practice of dentistry, only as allowed by an anesthesia and analgesia permit obtained from the division;
(c) to administer and prescribe drugs related to and appropriate in the practice of dentistry;
(d) to supervise the practice of a:
(i) dental hygienist in accordance with Section 58-69-801; or
(ii) dental assistant as established by division rule made in collaboration with the board; or
(e) to represent oneself by any title, degree, or in any other way that one is a dentist.
(12) "Public health agency" means a local health department as defined in Section 26A-1-102 or the Department of Health and Human Services.
(13) "Public health setting" means:
(a) an individual's residence, if the individual is non-ambulatory;
(b) a school, as part of a school-based program;
(c) a nursing home;
(d) an assisted living or long-term care facility;
(e) a community health center;
(f) a hospital;
(g) if a dental hygienist is employed by a public health agency, a location directed by the public health agency;
(h) a federally-qualified health center; or

(i) a mobile dental health program that employs a dentist who is licensed under this chapter.
(14) "Supervising dentist" means a licensed dentist who has agreed to provide supervision of a dental hygienist or unlicensed individual in accordance with the provisions of this chapter.
(15) "Synchronous technology" means two-way audiovisual technology that allows a licensed dental professional to see and communicate in real time with a patient who is located in a different physical location.
(16) "Teledentistry" means the practice of dentistry using synchronous or asynchronous technology.
(17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-69-501.
(18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-69-502 and as may be further defined by rule.

Amended by Chapter 148, 2026 General Session

Part 2
Board

58-69-201 Board.
(1) There is created the Dentist and Dental Hygienist Licensing Board, consisting of six licensed dentists, two licensed dental hygienists, and one member of the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3)
(a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
(b) In addition, the board shall designate one of its members on a permanent or rotating basis to:
(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(ii) advise the division with respect to the conduct of investigations of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
(5) Board members may serve as examiners for licensing examinations established under Section 58-69-302 when requested by the examining body.
(6) Board members serving as examiners shall be compensated in accordance with Subsection 58-1-201(4), but may not be compensated for per diem or allowable expenses if they are eligible to receive compensation from the examining body.

Amended by Chapter 10, 1997 General Session

Part 3
Licensing

58-69-301 License required -- License classifications -- Anesthesia and analgesia permits.

(1) A license is required to engage in the practice of dentistry, including teledentistry, or dental hygiene, except as specifically provided in Section 58-69-306 or 58-1-307.
(2) The division shall issue to individuals qualified under the provisions of this chapter a license in the classification:
  (a) dentist; or
  (b) dental hygienist.
(3) A permit is required to engage in administration of anesthesia or analgesia in the practice of dentistry or dental hygiene.
(4) The division in collaboration with the board shall establish by rule:
  (a) the classifications of anesthesia and analgesia permits;
  (b) the scope of practice permitted under each permit classification; and
  (c) the requirements for obtaining each class of permit.

Amended by Chapter 255, 2025 General Session

58-69-302 Qualifications -- Licensure as a dentist -- Licensure as a dental hygienist.
(1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:
  (a) submit an application in a form the division approves;
  (b) pay a fee as determined by the department under Section 63J-1-504;
  (c) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a dentist as evidenced by having received an earned doctor's degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
  (d) pass the National Board Dental Examinations as administered by the Joint Commission on National Dental Examinations of the American Dental Association;
  (e) pass any regional dental clinical licensure examination approved by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  (f) pass any other examinations regarding applicable law, rules, or ethics as established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  (g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
  (h) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure; and
  (i)
    (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
    (ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    (iii) disclose any criminal history the division requests on a form the division provides.
(2) An applicant for licensure as a dentist qualifying under the endorsement provision of Section 58-1-302 shall:
  (a) be currently licensed in good standing with an unrestricted license in another jurisdiction described in Section 58-1-302;
  (b) document having met all requirements for licensure under Subsection (1) except Subsection (1)(c); and

(c) document having been successfully engaged in clinical practice as a dentist for not less than 6,000 hours in the five years immediately preceding the date of application for licensure in Utah.

(3) Except as provided in Subsection (4), an applicant for licensure as a dental hygienist shall:

(a) submit an application in a form the division approves;

(b) pay a fee as determined by the department pursuant to Section 63J-1-504;

(c) be a graduate holding a certificate or degree in dental hygiene from a school accredited by the Commission on Dental Accreditation of the American Dental Association;

(d) pass the National Board Dental Hygiene Examination as administered by the Joint Commission on National Dental Examinations of the American Dental Association;

(e) pass an examination consisting of practical demonstrations in the practice of dental hygiene and written or oral examination in the theory and practice of dental hygiene as established by division rule made in collaboration with the board;

(f) pass any other examinations regarding applicable law, rules, and ethics as established by rule by division rule made in collaboration with the board;

(g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

(h) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure; and

(i)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (3)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division provides.

(4) An applicant for licensure as a dental hygienist qualifying under the endorsement provision of Section 58-1-302 shall:

(a) be currently licensed in another jurisdiction set forth in Section 58-1-302;

(b)

(i) document having met all requirements for licensure under Subsection (3) except, an applicant having received licensure in another state or jurisdiction before 1962, the year when the National Board Dental Hygiene Examinations were first administered, shall document having passed a state administered examination acceptable to the division in collaboration with the board; or

(ii) document having obtained licensure in another state or jurisdiction upon which licensure by endorsement is based upon meeting requirements that were equal to licensure requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction; and

(c) document having been successfully engaged in practice as a dental hygienist for not less than 2,000 hours in the two years immediately preceding the date of application for licensure in Utah.

Amended by Chapter 443, 2025 General Session

58-69-303 Term of license -- Expiration -- Renewal.

(1)

(a) The division shall issue each license and permit under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.
(3) Each license expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

58-69-304 Continuing education.

During each two-year licensure cycle or other cycle defined by rule, a licensee under this chapter shall complete qualified continuing professional education requirements established by division rule made in collaboration with the board.

Enacted by Chapter 116, 1996 General Session

58-69-306 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307:
(1) an individual performing mechanical work on inert matter in a laboratory pursuant to a written prescription from a licensed dentist may engage in acts and practices included in the practice of dentistry or dental hygiene without being licensed under this chapter;
(2) an individual licensed in good standing as a dentist in another state, with no licensing action pending and no less than two years of professional experience, may engage in the practice of dentistry without being licensed under this chapter if:
(a) the services are rendered as a public service and for a noncommercial purpose;
(b) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
(c) the individual does not otherwise engage in unlawful or unprofessional conduct; and
(3) an individual who is appointed to a faculty position at an accredited dental school may practice dentistry within the scope of the individual's employment at the accredited dental school or at a hospital or clinic affiliated with the accredited dental school if the individual:
(a) holds a license to practice dentistry in another jurisdiction;
(b) is permitted to the work in the United States under federal immigration law; and
(c)
(i)
(A) successfully completes Part I and Part II of the National Board Dental Examination; and
(B) holds a degree in a dental specialty area, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii)
(A) holds a certificate, master's degree, or doctorate degree from an accredited higher education or dental education institution in an area that supports dental education; and
(B) practices only under the supervision of an individual licensed as a dentist under this chapter; or
(iii)
(A) has established expertise in an area of dentistry that is recognized by a United States higher education or dental education institution or by a national professional board or association; and

(B) practices only under the supervision of an individual licensed as a dentist under this chapter.

Amended by Chapter 320, 2015 General Session

58-69-307 Status of licenses held on the effective date of this chapter.

An individual holding a current license or permit as a dentist or dental hygienist that was issued under any prior state law is considered to hold a current license or permit in the same classification under this chapter.

Enacted by Chapter 116, 1996 General Session

Part 4
License Denial and Discipline

58-69-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for division action regarding the following are under Section 58-1-401:

(1) refusing to issue a license to an applicant or refusing to renew the license of a licensee;
(2) revoking, suspending, restricting, or placing on probation the license of a licensee;
(3) issuing a public or private reprimand to a licensee; and
(4) issuing a cease and desist order.

Enacted by Chapter 116, 1996 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-69-501 Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

(1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene if the individual does not hold a current permit issued by the division authorizing that individual to administer the type of anesthesia or analgesia used; and
(2) practice of dental hygiene by a licensed dental hygienist if not done in accordance with Section 58-69-801.
(3) directing or interfering with a licensed dentist's judgment and competent practice of dentistry.

Amended by Chapter 255, 2025 General Session

58-69-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:
  (a) sharing professional fees with an unlicensed person or paying any person for sending or referring a patient;
  (b) making an unsubstantiated claim of superiority in training or skill as a dentist or dental hygienist or in the performance of professional services;

(c) refusing authorized agents of the division or state or local health authorities access to the facilities related to the practice of dentistry or dental hygiene during normal business hours for the purpose of inspection;
(d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other property or conditions related to the practice of dentistry in a sanitary condition consistent with the standards and ethics of the professions of dentistry or dental hygiene;
(e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88, Part 2, Dispensing Practice, if applicable; or
(f) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (d) or Subsection 58-1-501(1).
(2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:
(a) includes for the practice of dentistry:
(i) advertising or otherwise holding oneself out to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as the American Dental Association defines; and
(ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when the dentist has not successfully completed the education specified for the dental specialty as the American Dental Association defines; and
(b) does not include a dentist who advertises as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent disclaimer that the dentist is licensed as a general dentist or that the specialty services will be provided by a general dentist.

Amended by Chapter 64, 2026 General Session

58-69-503 Penalty for unlawful conduct.
(1) Any person who violates the unlawful conduct provisions of Subsection 58-1-501(1)(a) and Section 58-69-501 with regard to the practice of dentistry is guilty of a third degree felony.
(2) Any person who violates the unlawful conduct provisions of Subsection 58-1-501(1)(a) with regard to the practice of dental hygiene is guilty of a class A misdemeanor.

Enacted by Chapter 116, 1996 General Session

Part 6
Impaired Licensee

58-69-601 Mentally incompetent or incapacitated dentist or dental hygienist.
(1) As used in this section:
(a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.
(b) "Mental illness" is as defined in Section 26B-5-301.

(2) If a court of competent jurisdiction determines a dentist or dental hygienist is an incapacitated person or that the dentist or hygienist has a mental illness and is unable to safely engage in the practice of dentistry or dental hygiene, the director shall immediately suspend the license of the dentist or dental hygienist upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the dentist or dental hygienist, in writing, of the suspension.

(3)

(a) If the division and a majority of the board find reasonable cause to believe a dentist or dental hygienist, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing dentistry or dental hygiene with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the dentist or dental hygienist with a notice of hearing on the sole issue of the capacity of the dentist or dental hygienist to competently and safely engage in the practice of dentistry or dental hygiene.

(b) The hearing shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).

(4)

(a) Every dentist or dental hygienist who accepts the privilege of being licensed under this chapter gives consent to:

(i) submitting at the dentist or dental hygienist's own expense to an immediate mental or physical examination when directed in writing by the division and a majority of the board to do so; and

(ii) the admissibility of the reports of the examining practitioner's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(b) The examination may be ordered by the division, with the consent of a majority of the board, only upon a finding of reasonable cause to believe:

(i) the dentist or dental hygienist has a mental illness, is incapacitated, or otherwise unable to practice dentistry or dental hygiene with reasonable skill and safety; and

(ii) immediate action by the division and the board is necessary to prevent harm to the dentist's or dental hygienist's patients or the general public.

(c)

(i) Failure of a dentist or dental hygienist to submit to the examination ordered under this section is a ground for the division's immediate suspension of the dentist's or dental hygienist's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the dentist or dental hygienist and was not related directly to the illness or incapacity of the dentist or dental hygienist.

(5)

(a) A dentist or dental hygienist whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the dentist's or dental hygienist's patients or the general public.

(6) A dentist or dental hygienist whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the dentist or dental hygienist, under procedures established by division rule, regarding any change in the dentist's or dental hygienist's condition, to determine whether:
(a) the dentist or dental hygienist is or is not able to safely and competently engage in the practice of dentistry or dental hygiene; and
(b) the dentist or dental hygienist is qualified to have the dentist or dental hygienist's licensure to practice under this chapter restored completely or in part.

Amended by Chapter 329, 2023 General Session

Part 7
Immunity Provisions

58-69-701 Immunity provisions apply.
The provisions of Chapter 13, Health Care Providers Immunity from Liability Act, apply to licensees under this chapter.

Enacted by Chapter 116, 1996 General Session

58-69-702 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.
(1) As used in this section:
(a) "Dispense" means the same as that term is defined in Section 58-17b-102.
(b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.
(c) "Increased risk" means the same as that term is defined in Section 26B-4-501.
(d)
(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
(ii) "Opiate antagonist" includes an expired opiate antagonist.
(e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
(f) "Prescribe" means the same as that term is defined in Section 58-17b-102.
(2) The prescribing or dispensing of an opiate antagonist by an individual licensed under this chapter to engage in the practice of dentistry is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
(a) in a good faith effort to assist:
(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
(b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).
(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

Part 8
Practice Standards

58-69-801 Dental hygienist practice standards.

(1) Except as provided in Subsection (2), a dental hygienist may engage in the practice of dental hygiene:
  (a) in any setting under general supervision; and
  (b) if done in accordance with a dentist's treatment plan for a patient.
(2) A dental hygienist may:
  (a) under the indirect supervision of a dentist:
    (i) administer nitrous oxide analgesia; and
    (ii) perform expanded functions in accordance with Section 58-69-808; and
  (b) under the general supervision of a dentist:
    (i) administer local anesthesia;
    (ii) expose dental radiography; or
    (iii) make impressions or intraoral scans of teeth or jaws as authorized by a supervising dentist.
(3) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental hygienist may engage in the practice of dental hygiene without general supervision if:
  (a) the dental hygienist engages in the practice of dental hygiene in a public health setting;
  (b) prior to engaging in the practice of dental hygiene in a public health setting, the dental hygienist notifies the division on a one-time basis in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the dental hygienist will engage in the practice of dental hygiene in a public health setting;
  (c) the dental hygienist assumes liability for the work done by the dental hygienist while engaging in the practice of dental hygiene in a public health setting;
  (d) the dental hygienist has liability insurance for the work done by the dental hygienist while engaging in the practice of dental hygiene in a public health setting; and
  (e) the dental hygienist:
    (i) obtains from each patient an informed consent form that provides that treatment by a dental hygienist is not a substitute for a dental examination by a dentist;
    (ii) refers to a dentist any patient with a dental need beyond the dental hygienist's scope of practice encountered while engaging in the practice of dental hygiene in a public health setting; and
    (iii) retains all dental records for the patient generated by the dental hygienist in accordance with Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.
(4) Notwithstanding Subsection (1) and except as provided in Subsection (2), a dental hygienist may practice dental hygiene in an accredited dental hygiene school to teach and demonstrate the practice of dental hygiene.
(5)
  (a) An accredited dental hygiene school may teach, demonstrate, and perform expanded functions in accordance with Section 58-69-808 and associated rules in a clinical setting operated by the school if:
    (i) the expanded functions are included in the school's curriculum;

(ii) the curriculum is compliant with standards created by the Commission on Dental Accreditation, or its successor organization, for teaching expanded functions;
(iii) except as provided in Subsection (5)(b), any expanded function is performed in accordance with rules made under Section 58-69-808; and
(iv) any expanded function performed in the clinical setting is done under the indirect supervision of a dentist.
(b) An accredited dental hygiene school may act in accordance with Subsection (5)(a) without regard to rules being issued under Section 58-69-808 until the earlier of:
(i) the day on which the division issues rules under Section 58-69-808; or
(ii) May 31, 2027.

Repealed and Re-enacted by Chapter 255, 2025 General Session

58-69-802 Practice within limits of law, education, training, experience, and competency.
Each individual licensed under this chapter shall confine the individual's practice to those acts:
(1) permitted by law; and
(2) in which the dentist or dental hygienist is competent by education, training, and experience.

Amended by Chapter 255, 2025 General Session

58-69-803 Use of dental assistants.
Standards regulating the use of dental assistants shall be established by division rule made in collaboration with the board.

Amended by Chapter 255, 2025 General Session

58-69-804 Form of practice.
(1) A dentist may engage in the practice of dentistry as:
(a) an individual operating as a business proprietor;
(b) an employee of another person;
(c) a partner in a lawfully organized partnership;
(d) a lawfully formed professional corporation;
(e) a lawfully organized limited liability company;
(f) a lawfully organized business corporation; or
(g) any other form of organization recognized by the state which is not prohibited by rule adopted by division rules made in collaboration with the board.
(2) Regardless of the form in which a licensee engages in the practice of dentistry, the licensee may not permit another person who is not licensed in Utah as a dentist and is not otherwise competent to engage in the practice of dentistry to direct, or in any other way participate in, or interfere in the licensee's practice of dentistry.

Amended by Chapter 255, 2025 General Session
Amended by Chapter 302, 2025 General Session

58-69-805 Disclosure of financial interest by licensee.
(1) Licensees under this chapter may not refer patients to any clinical laboratory or health care facility in which the licensee or a member of the licensee's immediate family has any financial

relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient.
(2) The written disclosure under Subsection (1) shall also state the patient may choose any facility or laboratory for the work or treatment.

Enacted by Chapter 116, 1996 General Session

58-69-806 Consumer access to provider charges.

Beginning January 1, 2011, a dentist licensed under this chapter shall, when requested by a consumer:
(1) make a list of prices charged by the dentist available for the consumer which includes the dentist's 25 most frequently performed:
(a) clinic procedures or clinic services;
(b) out-patient procedures; and
(c) in-patient procedures; and
(2) provide the consumer with information regarding any discount available for:
(a) services not covered by insurance; or
(b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-69-807 Use of teledentistry -- Informed consent -- Rulemaking.
(1) A dentist may provide dental services using teledentistry.
(2)
(a) The standard of dental care a licensed dental professional provides through teledentistry is the same as the standard of dental care a licensed dental professional provides in a traditional physical setting.
(b) A treating dentist may use teledentistry to collaborate with a dental hygienist within the relevant applicable scopes of practice and under the appropriate level of supervision described in Section 58-69-801.
(c) A dental hygienist, other unlicensed individual supervised by a dentist, or any other provider may not carry out any duties through teledentistry that require direct or indirect supervision of a dentist.
(d) A dentist may not conduct a dental examination using teledentistry if the standard of care necessitates a traditional physical dental examination.
(e)
(i) A dentist may correct or attempt to correct malpositioned teeth or provide an oral appliance to treat sleep-disordered breathing and obstructive sleep apnea if the dentist:
(A) has performed an appropriate, in-person, physical examination of the patient for the purpose of diagnosing, assessing, and developing a treatment plan;
(B) has reviewed the patient's relevant history, medical records, diagnostic records, and contemporaneous radiographic records; and
(C) will provide reasonable in-person follow-up care.
(ii) Notwithstanding the limitations described in Subsection (2)(e)(i), the dentist may establish an initial relationship with a patient through teledentistry only:
(A) for the purpose of emergent care;
(B) to make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance; or

(C) to screen for sleep-disordered breathing and obstructive sleep apnea, and assess the need for oral appliance therapy for jaw repositioning.

(iii) A dentist shall confirm an initial diagnosis described in Subsection (2)(e)(ii)(B) through conducting an in-person examination, reviewing the patient's contemporaneous radiographic records, and reviewing results from any other relevant test, imaging, or consultation before the patient begins using any orthodontic appliance.

(iv) A dentist shall confirm an assessment described in Subsection (2)(e)(ii)(C) through conducting an in-person examination, reviewing the patient's contemporaneous radiographic records, and reviewing results from any other relevant test, imaging, or consultation before ordering fabrication of an oral appliance for jaw repositioning and delivering the appliance to the patient.

(3) A licensed dental professional or any entity employing a licensed dental professional may not require a patient to sign a pretreatment agreement that limits the patient's ability to file a complaint with the division, file a lawsuit, join a class action lawsuit, make reports to a governmental entity, require the patient to submit to binding arbitration, or otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services provided to the patient.

(4) When a licensed dental professional uses teledentistry, the licensed dental professional shall ensure informed consent covers the following additional information:

(a) a description of the types of dental care services provided through teledentistry, including limitations on services;

(b) the name, contact information, licensure, credentials, and qualifications of all dentists and dental hygienists involved in the patient's dental care; and

(c) precautions and protocols for technological failures or emergency situations.

(5) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish requirements and parameters regarding teledentistry to ensure the safe use of teledentistry, including additional provisions for:

(a) transparency, disclosure, and informed consent;

(b) standard of care;

(c) proper documentation;

(d) supervision and scope of practice;

(e) patient complaints; and

(f) protocols for referrals.

(6) If provisions or rules made under Section 26B-4-704 conflict with the provisions of this section or rules made under this section, the provisions of this section and the rules made under this section control when the individual being regulated is providing services regulated under this chapter.

Amended by Chapter 255, 2025 General Session

58-69-808 Expanded functions of dental auxiliaries.

(1) The division shall create certifications for dental auxiliaries to perform, under the indirect supervision of a dentist, various expanded functions, including:

(a) delegated maxillofacial administration of botulinum toxin by a dental hygienist certified by the division;

(b) placement of direct restorations by a dental hygienist certified by the division or a dental assistant certified by the division; and

(c) the removal of coronal dental adhesive by a dental hygienist certified by the division or a dental assistant certified by the division.
(2) The division shall make rules to implement this section, including rules regarding:
(a) the education and minimum qualifications to obtain a certification; and
(b) parameters for performing an expanded function.

Enacted by Chapter 255, 2025 General Session

Chapter 70a
Utah Physician Assistant Act

Part 1
General Provisions

58-70a-101 Title.

This chapter is known as the "Utah Physician Assistant Act."

Amended by Chapter 349, 2019 General Session

58-70a-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Medical Licensing Board created in Section 58-67-201.
(2) "Competence" means possessing the requisite cognitive, non-cognitive, and communicative abilities and qualities to perform effectively within the scope of practice of the physician assistant's practice while adhering to professional and ethical standards.
(3) "Health care facility" means the same as that term is defined in Section 26B-2-201.
(4) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
(5) "Physician" means the same as that term is defined in Section 58-67-102.
(6) "Physician assistant" means an individual who is licensed to practice under this chapter.
(7) "Practice as a physician assistant" means the professional activities and conduct of a physician assistant, also known as a PA, in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury, infirmity, deformity, pain, or other condition under the provisions of this chapter.
(8) "Practice of mental health therapy" means the same as that term is defined in Section 58-60-102.
(9) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-70a-502.
(10) "Unprofessional conduct" means "unprofessional conduct":
(a) as defined in Sections 58-1-501 and 58-70a-503; and
(b) as further defined by the division by rule.

Amended by Chapter 507, 2024 General Session

Part 3

Licensing

58-70a-301 Licensure required -- License classifications.

(1) A license is required to engage in practice as a physician assistant, except as specifically provided in Section 58-70a-305 or 58-1-307.

(2) The division shall issue to an individual who qualifies under this chapter a license in the classification of physician assistant.

Amended by Chapter 309, 2017 General Session

58-70a-302 Qualifications for licensure.

Each applicant for licensure as a physician assistant shall:

(1) submit an application in a form the division approves;

(2) pay a fee determined by the department under Section 63J-1-504;

(3) have successfully completed a physician assistant program accredited by:

(a) the Accreditation Review Commission on Education for the Physician Assistant; or

(b) 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;

(4) have passed the licensing examinations required by division rule made in collaboration with the board;

(5) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and

(6)

(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) disclose any criminal history the division requests on a form the division provides.

Amended by Chapter 96, 2026 General Session

58-70a-303 Term of license -- Expiration -- Renewal.

(1)

(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 392, 2025 General Session

58-70a-304 License renewal -- Continuing education.

(1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

(a) view a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division; and
(b) complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.
(2) If a renewal period is extended or shortened under Section 58-70a-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

Amended by Chapter 447, 2019 General Session

58-70a-305 Exemptions from licensure.
(1) In addition to the exemptions from licensure in Section 58-1-307, an individual described in Subsection (2) may engage in acts included within the definition of practice as a physician assistant, subject to the stated circumstances and limitations, without being licensed under this chapter.
(2) Subsection (1) applies to a student enrolled in an accredited physician assistant education program while engaged in activities as a physician assistant:
(a) that are a part of the education program;
(b) that are conducted at an affiliated medical facility under the direct supervision of a:
(i) physician associated with the program; or
(ii) licensed physician assistant associated with the medical faculty; and
(c) for which the program accepts in writing the responsibility for the student.

Amended by Chapter 312, 2021 General Session

58-70a-306 Temporary license.
(1) An applicant for licensure as a physician assistant who has met all qualifications for licensure except passing an examination component as required in Section 58-70a-302, may apply for and be granted a temporary license to practice under Subsection (2).
(2)
(a) The applicant shall submit to the division evidence of completion of a physician assistant program as defined in Subsection 58-70a-302(3).
(b)
(i) The temporary license shall be issued for a period not to exceed 120 days to allow the applicant to pass the Physician Assistant National Certifying Examination.
(ii) The temporary license may not be renewed or extended.
(c) A temporary license holder shall work under the direct supervision of a physician.

Amended by Chapter 312, 2021 General Session

58-70a-307 Collaboration requirements -- Clinical practice experience -- Requirements for independent practice in a new specialty.
(1) As used in this section, "collaboration" means the interaction and relationship that a physician assistant has with a physician in which:
(a) the physician assistant and physician are cognizant of the physician assistant's qualifications and limitations in caring for a patient;
(b) the physician assistant, while responsible for care that the physician assistant provides, consults with the physician regarding patient care; and

(c) the physician gives direction and guidance to the physician assistant.

(2) A physician assistant with less than 8,500 hours of post-graduate clinical practice experience shall:

(a) practice under written policies and procedures established at a practice level that:

(i) describe how collaboration will occur in accordance with this section and Subsections 58-70a-501(2) and (3); and

(ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;

(b) provide a copy of the written policies and procedures and documentation of compliance with this Subsection (2) to the board upon the board's request; and

(c) except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental health care, engage in collaboration with a physician for the first 4,000 hours of the physician assistant's post-graduate clinical practice experience.

(3)

(a) Except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental health care, a physician assistant who has more than 4,000 hours of practice experience and less than 8,500 hours of practice experience shall enter into a written collaborative agreement with:

(i) a physician; or

(ii) a licensed physician assistant with more than 8,500 hours of practice experience in the same specialty as the physician assistant.

(b) The collaborative agreement described in Subsection (3)(a) shall:

(i) describe how collaboration under this section and Subsections 58-70a-501(2) and (3) will occur;

(ii) be kept on file at the physician assistant's practice location; and

(iii) be provided by the physician assistant to the board upon the board's request.

(4) A physician assistant who wishes to change specialties to another specialty in which the physician assistant has less than 4,000 hours of experience shall engage in collaboration for a minimum of 4,000 hours with a physician who is trained and experienced in the specialty to which the physician assistant is changing.

Amended by Chapter 96, 2026 General Session

Part 4
License Denial and Discipline

58-70a-401 Grounds for denial of license -- Disciplinary proceedings.

(1) Subject to Subsection (2), grounds for the following division actions regarding a licensee are under Section 58-1-401:

(a) refusing to issue a license to an applicant;

(b) refusing to renew the license of a licensee;

(c) revoking, suspending, restricting, or placing on probation the license of a licensee;

(d) issuing a public or private reprimand to a licensee; and

(e) issuing a cease and desist order.

(2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

Amended by Chapter 404, 2021 General Session

Part 5
Scope of Practice - Unlawful and Unprofessional Conduct - Penalties

58-70a-501 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.

(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; and
(iii) under supervision of or delegation by a physician whose usual scope of practice includes the procedure.
(8)
(a) A physician assistant may prescribe or administer an appropriate controlled substance that is within the physician assistant's scope of practice if the physician assistant holds a Utah controlled substance license and a Drug Enforcement Administration registration.
(b) A physician assistant may prescribe, order, administer, and procure a drug or medical device that is within the physician assistant's scope of practice.
(c) A physician assistant may dispense a drug if dispensing the drug:
(i) is permitted under Title 58, Chapter 17b, Pharmacy Practice Act; and
(ii) is within the physician assistant's scope of practice.
(9) A physician assistant may not perform or induce an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the physician assistant is found guilty of a crime in connection with the violation.
(10) A physician assistant practicing independently may only perform or provide a health care service that:
(a) is appropriate to perform or provide outside of a health care facility; and
(b) the physician assistant has been trained and credentialed or authorized to provide or perform independently without physician supervision.
(11) A physician assistant, while practicing as a physician assistant:
(a) shall wear an identification badge showing the physician assistant's license classification as a physician assistant;
(b) shall identify themselves to a patient as a physician assistant; and
(c) may not identify themselves to any person in connection with activities allowed under this chapter other than as a physician assistant or PA.

Amended by Chapter 96, 2026 General Session

58-70a-501.1 Qualifications for a physician assistant specializing in mental health care -- Rulemaking.

(1) A physician assistant specializing in mental health care under this section shall:
(a) hold a valid license as a physician assistant under this chapter;
(b) obtain and maintain a Certification of Added Qualification in psychiatry issued by the National Commission on Certification of Physician Assistants;
(c) complete:
(i) an accredited doctorate level academic program for physician assistants approved by the division in collaboration with the board;
(ii) a post-graduate certificate program for physician assistants to practice within psychiatric and mental health care that is approved by the division in collaboration with the board; or
(iii) a post-graduate residency in psychiatry and additional clinical practice or coursework in accordance with requirements approved by the division in collaboration with the board; and
(d) complete the clinical practice requirement described in Subsection (4).
(2) The division, in collaboration with the board, may approve a program under Subsections (1)(c)(i) and (ii), if the program:
(a) is an accredited doctoral level or post-graduate academic program;
(b) includes at least 1,600 hours of accredited instructional hours that results in:
(i) a doctorate degree or equivalent; or
(ii) a graduate level certification in psychiatric mental health; and
(c) provides graduate level instruction in:
(i) at least 2 credit hours or equivalent of neuroscience;
(ii) health care law and ethics;
(iii) health care delivery;
(iv) evidence-based mental health medicine;
(v) evidence-based mental health research;
(vi) at least 3 credit hours or equivalent of psychotherapy;
(vii) psychiatric assessment;
(viii) crisis intervention;
(ix) group and family therapy;
(x) suicide risk assessment;
(xi) violence risk assessment;
(xii) at least 3 credit hours or equivalent of psychopharmacology;
(xiii) a comprehensive review of mental disorders as characterized by the current Diagnostic and Statistical Manual of Mental Disorders, including diagnostic criteria and prevalence; and
(xiv) medical and therapeutic management of each condition across the lifespan in diverse populations and in a variety of clinical settings.
(3) The division, in collaboration with the board, may:
(a) approve and accept the completion of a post-graduate residency in psychiatry under Subsection (1)(c)(iii) if the residency includes clinical and academic training that is substantially equivalent to the training described in Subsections (2)(b) and (c); and
(b) require the completion of additional coursework or clinical hours for an individual who meets the training requirement under Subsection (1)(c) through a post-graduate residency in psychiatry.
(4)
(a) A physician assistant specializing in mental health care under this section shall complete 10,000 hours of clinical practice in mental health.
(b) The clinical practice hours described in Subsection (4)(a) shall be completed after the individual passes the Physician Assistant National Certifying Exam administered by the National Commission on Certification of Physician Assistants.

(c) Up to 1,000 hours of clinical practice under Subsection (4)(a) may be completed as part of an approved education program in mental health if the clinical practice hours meet the requirements described in Subsection (4)(d).

(d)

(i) At least the first 4,000 hours of the clinical practice hours described in Subsection (4)(a) shall be completed under the supervision of a psychiatrist.

(ii) At least 2,000 hours of the clinical practice hours described in Subsection (4)(a) shall be completed in psychotherapy under the supervision of a mental health therapist or a psychiatrist who has been trained in and has at least two years of practice experience in psychotherapy.

(iii) The remaining clinical practice hours required under Subsection (4)(a) and not received under Subsections (4)(d)(i) and (ii) shall be completed in collaboration as defined in Section 58-70a-307 with a psychiatrist.

(5) The division, in collaboration with the board, shall establish continuing education requirements for a physician assistant specializing in mental health care under this section.

Enacted by Chapter 313, 2021 General Session
Amended by Chapter 313, 2021 General Session, (Coordination Clause)
Amended by Chapter 344, 2020 General Session, (Coordination Clause)

58-70a-501.2 Scope of practice for a physician assistant specializing in mental health care.

(1)

(a) A physician assistant specializing in mental health care under Section 58-70a-501.1 may engage in the practice of mental health therapy consistent with the physician assistant's education, experience, and competence.

(b) Section 58-70a-501 applies to a physician assistant specializing in mental health care in addition to this section.

(2) A physician assistant specializing in mental health care is responsible for meeting the local standards of care in the provision of services, including mental health therapy and psychopharmacology.

(3)

(a) Except as provided in Subsection (3)(b), a physician assistant specializing in mental health care may administer a behavioral health screening instrument.

(b) A physician assistant specializing in mental health care may not perform a psychological or neuropsychological assessment or evaluation, including:

(i) an intellectual assessment;

(ii) a forensic assessment or evaluation; and

(iii) administration of a psychological or neuropsychological test or instrument that requires qualification level B or qualification level C under the Standards for Educational and Psychological Testing approved as policy by the American Psychological Association.

(4)

(a) A physician assistant may not administer neurostimulation or neuromodulation.

(b) Subsection (4)(a) does not apply to neurostimulation or neuromodulation administered by a physician assistant:

(i) in a health care facility; and

(ii) under supervision of a physician whose usual scope of practice includes neurostimulation or neuromodulation.

(5) As a condition of probation or reinstatement of a license, the division may require that, for a specified duration, a physician assistant specializing in mental health care collaborate with or practice under the supervision of a physician who is board certified in psychiatry.
(6) A physician assistant who is in the process of completing the clinical training requirement in Subsection 58-70a-501.1(1)(d), may engage in the practice of mental health therapy if the physician assistant:
(a) meets the requirements described in Subsections 58-70a-501.1(1)(a) through (c);
(b) engages in the practice of mental health therapy under the supervision of:
(i) a mental health therapist who has been trained in and has at least two years of practice experience in psychotherapy; or
(ii) a physician who is board certified in psychiatry; and
(c) engages in the practice of mental health therapy in accordance with rules made by the division regarding the supervision described in Subsection (6)(b).

Enacted by Chapter 313, 2021 General Session

58-70a-502 Unlawful conduct.
Reserved.

Amended by Chapter 312, 2021 General Session

58-70a-503 Unprofessional conduct.
(1) "Unprofessional conduct" includes:
(a) violation of a patient confidence to any person that does not have a legal right and a professional need to know the information concerning the patient;
(b) knowingly prescribing, selling, giving away, or directly or indirectly administering, or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts prescribed or provided;
(c) prescribing prescription drugs for oneself or administering prescription drugs to oneself, except those that have been legally prescribed for the physician assistant by a licensed practitioner and that are used in accordance with the prescription order for the condition diagnosed;
(d) in a practice that has physician assistant ownership interests, failure to allow a physician the independent final decision making authority on treatment decisions for the physician's patient;
(e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, or Chapter 88, Part 2, Dispensing Practice, if applicable;
(f) falsely making an entry in, or altering, a medical record with the intent to conceal:
(i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
(g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(h) designating a child as do not resuscitate without parental consent.
(2)
(a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending medical

provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis.

(b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician assistant described in Subsection (2)(a).

Amended by Chapter 64, 2026 General Session

58-70a-504 Penalty for unlawful conduct.

(1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.

(2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (1)(e) or Section 58-70a-502 is guilty of a class A misdemeanor.

Enacted by Chapter 229, 1997 General Session

58-70a-505 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.

(1) As used in this section:

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

(b) "Expired opiate antagonist" means an opiate antagonist that is no more than 24 months past the month and year of the opiate antagonist's expiration date.

(c) "Increased risk" means the same as that term is defined in Section 26B-4-501.

(d)

(i) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.

(ii) "Opiate antagonist" includes an expired opiate antagonist.

(e) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.

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

(2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:

(a) in a good faith effort to assist:

(i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

(ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or

(b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).

(3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 80, 2026 General Session

58-70a-507 Volunteer health care services.

(1) A physician assistant may provide health care services as a volunteer for a charitable organization or at a public or private event, including a religious event, youth camp, community event, or health fair, if the physician assistant:

(a) receives no compensation for such services; and
(b) provides the health care services in a manner that is consistent with the physician assistant's education, experience, and scope of practice.
(2) Notwithstanding Subsection 58-70a-501(8), a physician assistant who is providing volunteer health services under this section may not issue a prescription to a patient for a controlled substance.

Enacted by Chapter 312, 2021 General Session

Chapter 70b
Anesthesiologist Assistant Licensing Act

Part 1
General Provisions

58-70b-101 Definitions.

As used in this chapter:
(1) "Anesthesiologist" means an individual who:
(a) is licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act; and
(b) has completed a residency program in anesthesiology.
(2) "Anesthesiologist assistant" means an individual licensed under this chapter.
(3) "Board" means the Medical Licensing Board created in Section 58-67-201.
(4) "Practice of assisting an anesthesiologist" means personally performing the health care services delegated to the anesthesiologist assistant by the supervising anesthesiologist in accordance with the acceptable medical practice and the American Society of Anesthesiologists' guidance for best practice of anesthesia in a care team model.
(5) "Supervision standards" means standards established by the division through rule that:
(a) prohibit an anesthesiologist from supervising more than four anesthesiologist assistants at any one time; and
(b) comply with the rules and regulations for anesthesia service reimbursement created by the Centers for Medicare and Medicaid Services to the extent that the rules and regulations do not conflict with state law.

Amended by Chapter 507, 2024 General Session

58-70b-102 Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules as authorized by this chapter.

Enacted by Chapter 284, 2022 General Session

Part 2
Board

58-70b-201 Board.

The board shall regulate anesthesiologist assistants.

Enacted by Chapter 284, 2022 General Session

Part 3
Licensing

58-70b-301 Licensure required -- Supervision -- Issuance of licenses.

(1) Beginning January 1, 2023, and except as provided in Section 58-1-307:
  (a) a license is required to engage in the practice of assisting an anesthesiologist; and
  (b) the practice of assisting an anesthesiologist requires compliance with supervision standards.
(2) The division shall issue to any individual who qualifies under this chapter a license to practice as an anesthesiologist assistant.

Enacted by Chapter 284, 2022 General Session

58-70b-302 Qualifications for licensure.

Each applicant for licensure as an anesthesiologist assistant under this chapter shall:
(1) submit an application on a form the division approves;
(2) pay a fee determined by the division under Section 63J-1-504;
(3) provide satisfactory documentation of having graduated from a program certified by the Commission on Accreditation of Allied Health Education Programs or the commission's successor organization;
(4) within 12 months of completing the training under Subsection (3), pass the certification exam offered by the National Commission for Certification of Anesthesiologist Assistants;
(5) have the certification described in Subsection (4) at the time of the application and maintain the certification throughout the term of the license; and
(6)
  (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
  (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  (c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 443, 2025 General Session

58-70b-303 Term of license -- Expiration -- Renewal.

(1)
  (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
  (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles the division administers.

(2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established through rule by the division in collaboration with the board.
(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308.

Enacted by Chapter 284, 2022 General Session

Part 4
Unlawful and Unprofessional Conduct

58-70b-401 Unlawful conduct.
(1) An individual commits unlawful conduct by:
(a) using the title "anesthesiologist assistant" or any other title or designation tending to indicate that the individual is an anesthesiologist assistant unless that individual has a current license as an anesthesiologist assistant issued under this chapter; or
(b) engaging in the practice of assisting an anesthesiologist without being an anesthesiologist assistant.
(2) An anesthesiologist assistant commits unlawful conduct by engaging in the practice of assisting an anesthesiologist without complying with supervision standards.

Enacted by Chapter 284, 2022 General Session

58-70b-402 Unprofessional conduct.
An anesthesiologist assistant commits unprofessional conduct by:
(1) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through training or experience;
(2) failing to refer a client to other competent professionals when the licensee is unable or unwilling to adequately support or serve the client;
(3) failing to maintain the confidentiality of any information received from a client, unless released by the client or otherwise authorized or required by law; or
(4) exploiting a client for personal advantage, profit, or interest.

Enacted by Chapter 284, 2022 General Session

Chapter 70c
PA Licensure Compact

Part 1
Compact Text

58-70c-101 Section 1 -- Purpose.
In order to strengthen access to Medical Services, and in recognition of the advances in the delivery of Medical Services, the Participating States of the PA Licensure Compact have allied in

common purpose to develop a comprehensive process that complements the existing authority of State Licensing Boards to license and discipline PAs and seeks to enhance the portability of a License to practice as a PA while safeguarding the safety of patients. This Compact allows Medical Services to be provided by PAs, via the mutual recognition of the Licensees Qualifying License by other Compact Participating States. This Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of Medical Services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the State Licensing Board where the patient is located. State Licensing Boards that participate in this Compact retain the jurisdiction to impose Adverse Action against a Compact Privilege in that State issued to a PA through the procedures of this Compact. The PA Licensure Compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a Compact Privilege based on having an unrestricted License in good standing from a Participating State.

Enacted by Chapter 222, 2023 General Session

58-70c-102 Section 1 -- Definitions.

In this Compact:

A. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against a PA License or License application or Compact Privilege such as License denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

B. "Compact Privilege" means the authorization granted by a Remote State to allow a Licensee from another Participating State to practice as a PA to provide Medical Services and other licensed activity to a patient located in the Remote State under the Remote State's laws and regulations.

C. "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.

D. "Criminal Background Check" means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

E. "Data System" means the repository of information about Licensees, including but not limited to License status and Adverse Actions, which is created and administered under the terms of this Compact.

F. "Executive Committee" means a group of directors and ex-officio individuals elected or appointed pursuant to Section 7.F.2.

G. "Impaired Practitioner" means a PA whose practice is adversely affected by health-related condition(s) that impact their ability to practice.

H. "Investigative Information" means information, records, or documents received or generated by a Licensing Board pursuant to an investigation.

I. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and Rules governing the practice of a PA in a State.

J. "License" means current authorization by a State, other than authorization pursuant to a Compact Privilege, for a PA to provide Medical Services, which would be unlawful without current authorization.

K. "Licensee" means an individual who holds a License from a State to provide Medical Services as a PA.

L. "Licensing Board" means any State entity authorized to license and otherwise regulate PAs.

M. "Medical Services" means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury, or disease, as defined by a State's laws and regulations.

N. "Model Compact" means the model for the PA Licensure Compact on file with The Council of State Governments or other entity as designated by the Commission.

O. "Participating State" means a State that has enacted this Compact.

P. "PA" means an individual who is licensed as a physician assistant in a State. For purposes of this Compact, any other title or status adopted by a State to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the Licensee under the provisions of this Compact at the time of its enactment.

Q. "PA Licensure Compact Commission," "Compact Commission," or "Commission" mean the national administrative body created pursuant to Section 7.A of this Compact.

R. "Qualifying License" means an unrestricted License issued by a Participating State to provide Medical Services as a PA.

S. "Remote State" means a Participating State where a Licensee who is not licensed as a PA is exercising or seeking to exercise the Compact Privilege.

T. "Rule" means a regulation promulgated by an entity that has the force and effect of law.

U. "Significant Investigative Information" means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by State law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

V. "State" means any state, commonwealth, district, or territory of the United States.

Enacted by Chapter 222, 2023 General Session

58-70c-103 Section 3 -- State Participation in this Compact.

A. To participate in this Compact, a Participating State shall:

1. License PAs.

2. Participate in the Compact Commission’s Data System.

3. Have a mechanism in place for receiving and investigating complaints against Licensees and License applicants.

4. Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of any Adverse Action against a Licensee or License applicant and the existence of Significant Investigative Information regarding a Licensee or License applicant.

5. Fully implement a Criminal Background Check requirement, within a time frame established by Commission Rule, by its Licensing Board receiving the results of a Criminal Background Check and reporting to the Commission whether the License applicant has been granted a License.

6. Comply with the Rules of the Compact Commission.

7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a requirement for PA licensure.

8. Grant the Compact Privilege to a holder of a Qualifying License in a Participating State.

B. Nothing in this Compact prohibits a Participating State from charging a fee for granting the Compact Privilege.

Enacted by Chapter 222, 2023 General Session

58-70c-104 Section 4 -- Compact Privilege.

A. To exercise the Compact Privilege, a Licensee must:

1. Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc. or other programs authorized by Commission Rule.

2. Hold current NCCPA certification.

3. Have no felony or misdemeanor Conviction.

4. Have never had a controlled substance license, permit, or registration suspended or revoked by a State or by the United States Drug Enforcement Administration.

5. Have a unique identifier as determined by Commission Rule.

6. Hold a Qualifying License.

7. Have had no revocation of a License or limitation or restriction on any License currently held due to an adverse action.

8. If a Licensee has had a limitation or restriction on a License or Compact Privilege due to an Adverse Action, two years must have elapsed from the date on which the License or Compact Privilege is no longer limited or restricted due to the Adverse Action.

9. If a Compact Privilege has been revoked or is limited or restricted in a Participating State for conduct that would not be a basis for disciplinary action in a Participating State in which the Licensee is practicing or applying to practice under a Compact Privilege, that Participating State shall have the discretion not to consider such action as an Adverse Action requiring the denial or removal of a Compact Privilege in that State.

10. Notify the Compact Commission that the Licensee is seeking the Compact Privilege in a Remote State.

11. Meet any Jurisprudence Requirement of a Remote State in which the Licensee is seeking to practice under the Compact Privilege and pay any fees applicable to satisfying the Jurisprudence Requirement.

12. Report to the Commission any Adverse Action taken by a non-participating State within thirty (30) days after the action is taken.

B. The Compact Privilege is valid until the expiration or revocation of the Qualifying License unless terminated pursuant to an Adverse Action. The Licensee must also comply with all of the requirements of Subsection A above to maintain the Compact Privilege in a Remote State. If the Participating State takes Adverse Action against a Qualifying License, the Licensee shall lose the Compact Privilege in any Remote State in which the Licensee has a Compact Privilege until all of the following occur:

1. The License is no longer limited or restricted; and

2. Two (2) years have elapsed from the date on which the License is no longer limited or restricted due to the Adverse Action.

C. Once a restricted or limited License satisfies the requirements of Subsection B.1 and 2, the Licensee must meet the requirements of Subsection A to obtain a Compact Privilege in any Remote State.

D. For each Remote State in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such State in granting or renewing such authority.

Enacted by Chapter 222, 2023 General Session

58-70c-105 Section 5 -- Designation of the State from Which Licensee is Applying for a Compact Privilege.

A. Upon a Licensee's application for a Compact Privilege, the Licensee shall identify to the Commission the Participating State from which the Licensee is applying, in accordance with applicable Rules adopted by the Commission, and subject to the following requirements:

1. When applying for a Compact Privilege, the Licensee shall provide the Commission with the address of the Licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the Licensee's primary residence.

2. When applying for a Compact Privilege, the Licensee is required to consent to accept service of process by mail at the Licensee's primary residence on file with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, including a subpoena, with respect to any action brought or investigation conducted by the Commission or a Participating State.

Enacted by Chapter 222, 2023 General Session

58-70c-106 Section 6 -- Adverse Actions.

A. A Participating State in which a Licensee is licensed shall have exclusive power to impose Adverse Action against the Qualifying License issued by that Participating State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to do all of the following:

1. Take Adverse Action against a PA's Compact Privilege within that State to remove a Licensee's Compact Privilege or take other action necessary under applicable law to protect the health and safety of its citizens.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Participating State for the attendance and testimony of witnesses or the production of evidence from another Participating State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Notwithstanding paragraph 1, subpoenas may not be issued by a Participating State to gather evidence of conduct in another State that is lawful in that other State for the purpose of taking Adverse Action against a Licensee's Compact Privilege or application for a Compact Privilege in that Participating State.

4. Nothing in this Compact authorizes a Participating State to impose discipline against a PA's Compact Privilege or to deny an application for a Compact Privilege in that Participating State for the individual's otherwise lawful practice in another State.

C. For purposes of taking Adverse Action, the Participating State which issued the Qualifying License shall give the same priority and effect to reported conduct received from any other Participating State as it would if the conduct had occurred within the Participating State which issued the Qualifying License. In so doing, that Participating State shall apply its own State laws to determine appropriate action.

D. A Participating State, if otherwise permitted by State law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any Adverse Action taken against that PA.

E. A Participating State may take Adverse Action based on the factual findings of a Remote State, provided that the Participating State follows its own procedures for taking the Adverse Action.

F. Joint Investigations.

1. In addition to the authority granted to a Participating State by its respective State PA laws and regulations or other applicable State law, any Participating State may participate with other Participating States in joint investigations of Licensees.

2. Participating States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this Compact.

G. If an Adverse Action is taken against a PA's Qualifying License, the PA's Compact Privilege in all Remote States shall be deactivated until two (2) years have elapsed after all restrictions have been removed from the State License. All disciplinary orders by the Participating State which issued the Qualifying License that impose Adverse Action against a PA's License shall include a Statement that the PA's Compact Privilege is deactivated in all Participating States during the pendency of the order.

H. If any Participating State takes Adverse Action, it promptly shall notify the administrator of the Data System.

Enacted by Chapter 222, 2023 General Session

58-70c-107 Section 7 -- Establishment of the PA Licensure Compact Commission.

A. The Participating States hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 11.A.

B. Membership, Voting, and Meetings

1. Each Participating State shall have and be limited to one (1) delegate selected by that Participating State's Licensing Board or, if the State has more than one Licensing Board, selected collectively by the Participating State's Licensing Boards.

2. The delegate shall be either:

a. A current PA, physician or public member of a Licensing Board or PA Council/Committee; or

b. An administrator of a Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the laws of the State from which the delegate is appointed.

4. The Participating State Licensing Board shall fill any vacancy occurring in the Commission within sixty (60) days.

5. Each delegate shall be entitled to one (1) vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference, or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this Compact and the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a code of ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish fees;

4. Establish bylaws;

5. Maintain its financial records in accordance with the bylaws;

6. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

7. Promulgate Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Participating States;

8. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

9. Purchase and maintain insurance and bonds;

10. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Participating State;

11. Hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety;

14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

15. Establish a budget and make expenditures;

16. Borrow money;

17. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

18. Provide and receive information from, and cooperate with, law enforcement agencies;

19. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

20. Reserve for itself, in addition to those reserved exclusively to the Commission under the Compact, powers that the Executive Committee may not exercise;

21. Approve or disapprove a State's participation in the Compact based upon its determination as to whether the State's Compact legislation departs in a material manner from the Model Compact language;

22. Prepare and provide to the Participating States an annual report; and

23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of PA licensure and practice.

D. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding subsection D.1 of this section, the Commission may convene a public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Section 9.L.

3. The Commission may convene in a closed, non-public meeting or non-public part of a public meeting to receive legal advice or to discuss.

a. Non-compliance of a Participating State with its obligations under this Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact;

j. Legal advice; or

k. Matters specifically exempted from disclosure by federal or Participating States' statutes.

4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of the meeting or the chair's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Participating State and may impose Compact Privilege fees on Licensees of Participating States to whom a Compact Privilege is granted to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on Participating States shall be allocated based upon a formula to be determined by Commission Rule.

a. A Compact Privilege expires when the Licensee's Qualifying License in the Participating State from which the Licensee applied for the Compact Privilege expires.

b. If the Licensee terminates the Qualifying License through which the Licensee applied for the Compact Privilege before its scheduled expiration, and the Licensee has a Qualifying License in another Participating State, the Licensee shall inform the Commission that it is changing to that

Participating State the Participating State through which it applies for a Compact Privilege and pay to the Commission any Compact Privilege fee required by Commission Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Participating States, except by and with the authority of the Participating State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

F. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact and Commission Rules.

2. The Executive Committee shall be composed of nine (9) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national PA professional association; and

c. One ex-officio, nonvoting member from a recognized national PA certification organization.

3. The ex-officio members will be selected by their respective organizations.

4. The Commission may remove any member of the Executive Committee as provided in its bylaws.

5. The Executive Committee shall meet at least annually.

6. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the Commission changes to the Commission's Rules or bylaws, changes to this Compact legislation, fees to be paid by Compact Participating States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Participating States and provide compliance reports to the Commission;

f. Establish additional committees as necessary;

g. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission Rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's Rules; and

h. Perform other duties as provided in the Commission's Rules or bylaws.

7. All meetings of the Executive Committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public and public notice of such meetings shall be given as public meetings of the Commission are given.

8. The Executive Committee may convene in a closed, non-public meeting for the same reasons that the Commission may convene in a non-public meeting as set forth in Section 7.D.3 and shall announce the closed meeting as the Commission is required to under Section 7.D.4 and keep minutes of the closed meeting as the Commission is required to under Section 7.D.5.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense, and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses in any proceedings as authorized by Commission Rules.

5. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by State law other than this Compact.

7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Participating State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Participating States or by the Commission.

Enacted by Chapter 222, 2023 General Session

58-70c-108 Section 8 -- Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, Adverse Action, and the reporting of the existence of Significant Investigative Information on all licensed PAs and applicants denied a License in Participating States.

B. Notwithstanding any other State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all PAs to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a License or Compact Privilege;

4. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any Criminal history record information where prohibited by law);

5. The existence of Significant Investigative Information; and

6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Significant Investigative Information pertaining to a Licensee in any Participating State shall only be available to other Participating States.

D. The Commission shall promptly notify all Participating States of any Adverse Action taken against a Licensee or an individual applying for a License that has been reported to it. This Adverse Action information shall be available to any other Participating State.

E. Participating States contributing information to the Data System may, in accordance with State or federal law, designate information that may not be shared with the public without the express permission of the contributing State. Notwithstanding any such designation, such information shall be reported to the Commission through the Data System.

F. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Participating State contributing the information shall be removed from the Data System upon reporting of such by the Participating State to the Commission.

G. The records and information provided to a Participating State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Participating State.

Enacted by Chapter 222, 2023 General Session

58-70c-109 Section 9 -- Rulemaking.

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Commission Rules shall become binding as of the date specified by the Commission for each Rule.

B. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer this Compact and achieve its purposes. A Commission Rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

C. The Rules of the Commission shall have the force of law in each Participating State, provided however that where the Rules of the Commission conflict with the laws of the Participating State that establish the medical services a PA may perform in the Participating State,

as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Participating State or to any State applying to participate in the Compact.

E. Commission Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and

3. In such other way(s) as the Commission may by Rule specify.

G. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing on the proposed Rule and the proposed time, date and location of the meeting in which the proposed Rule will be considered and voted upon;

2. The text of the proposed Rule and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person and the date by which written comments must be received; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing or provide any written comments.

H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

I. If the hearing is to be held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall as directed in the Notice of Proposed Rulemaking, not less than five (5) business days before the scheduled date of the hearing, notify the Commission of their desire to appear and testify at the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions, and arguments received in response to the proposed rulemaking shall be made available to a person upon request.

4. Nothing in this section shall be construed as requiring a separate hearing on each proposed Rule. Proposed Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the public hearing the Commission shall consider all written and oral comments timely received.

K. The Commission shall, by majority vote of all delegates, take final action on the proposed Rule and shall determine the effective date of the Rule, if adopted, based on the Rulemaking record and the full text of the Rule.

1. If adopted, the Rule shall be posted on the Commission's website.

2. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

3. The Commission shall provide on its website an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

4. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issued the notice that adopted the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with twenty-four (24) hours prior notice, without the opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately by the Commission in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Participating State funds;

3. Meet a deadline for the promulgation of a Commission Rule that is established by federal law or Rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Commission Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made as set forth in the notice of revisions and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Participating State's rulemaking requirements shall apply under this Compact.

Enacted by Chapter 222, 2023 General Session

58-70c-110 Section 10 -- Oversight, Dispute Resolution, and Enforcement.

A. Oversight

1. The executive and judicial branches of State government in each Participating State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or the Commission's Rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission with service of process shall render a judgment or order in such proceeding void as to the Commission, this Compact, or Commission Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Participating State has defaulted in the performance of its obligations or responsibilities under this Compact or the Commission Rules, the Commission

shall provide written notice to the defaulting State and other Participating States. The notice shall describe the default, the proposed means of curing the default and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default.

2. If a State in default fails to cure the default, the defaulting State may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the Participating States, and all rights, privileges and benefits conferred by this Compact upon such State may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

3. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and to the Licensing Board(s) of each of the Participating States.

4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal its termination from the Compact by the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

7. Upon the termination of a State's participation in the Compact, the State shall immediately provide notice to all Licensees within that State of such termination:

a. Licensees who have been granted a Compact Privilege in that State shall retain the Compact Privilege for one hundred eighty (180) days following the effective date of such termination.

b. Licensees who are licensed in that State who have been granted a Compact Privilege in a Participating State shall retain the Compact Privilege for one hundred eighty (180) days unless the Licensee also has a Qualifying License in a Participating State or obtains a Qualifying License in a Participating State before the one hundred eighty (180)-day period ends, in which case the Compact Privilege shall continue.

C. Dispute Resolution

1. Upon request by a Participating State, the Commission shall attempt to resolve disputes related to this Compact that arise among Participating States and between participating and non-Participating States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and Rules of the Commission.

2. If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices, against a Participating State in default to enforce compliance with the provisions of this Compact and the Commission's promulgated Rules and bylaws. The relief sought may include both injunctive relief

and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

E. Legal Action Against the Commission

1. A Participating State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

2. No person other than a Participating State shall enforce this Compact against the Commission.

Enacted by Chapter 222, 2023 General Session

58-70c-111 Section 11 -- Date of Implementation of the PA Licensure Compact Commission.

A. This Compact shall come into effect on the date on which this Compact statute is enacted into law in the seventh Participating State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.

a. A Charter Participating State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.B.

b. If any Participating State later withdraws from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven. Participating States enacting the Compact subsequent to the Commission convening shall be subject to the process set forth in Section 7.C.21 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

2. Participating States enacting the Compact subsequent to the seven initial Charter Participating States shall be subject to the process set forth in Section 7.C.21 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

B. Any State that joins this Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which this Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day this Compact becomes law in that State.

C. Any Participating State may withdraw from this Compact by enacting a statute repealing the same.

1. A Participating State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute. During this one hundred eighty (180) day-period, all Compact Privileges that were in effect in the withdrawing State and were granted to Licensees licensed in the withdrawing State shall remain in effect. If any Licensee licensed in the withdrawing

State is also licensed in another Participating State or obtains a license in another Participating State within the one hundred eighty (180) days, the Licensee's Compact Privileges in other Participating States shall not be affected by the passage of the one hundred eighty (180) days.

2. Withdrawal shall not affect the continuing requirement of the State Licensing Board(s) of the withdrawing State to comply with the investigative, and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing a State from this Compact, the State shall immediately provide notice of such withdrawal to all Licensees within that State. Such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between Participating States and between a Participating State and non-Participating State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Participating States. No amendment to this Compact shall become effective and binding upon any Participating State until it is enacted materially in the same manner into the laws of all Participating States as determined by the Commission.

Enacted by Chapter 222, 2023 General Session

58-70c-112 Section 12 -- Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Participating State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B or this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 10.B, terminate a Participating State's participation in the Compact, if it determines that a constitutional requirement of a Participating State is, or would be with respect to a State seeking to participate in the Compact, a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Participating State, the Compact shall remain in full force and effect as to the remaining Participating States and in full force and effect as to the Participating State affected as to all severable matters.

Enacted by Chapter 222, 2023 General Session

58-70c-113 Section 13 -- Binding Effect of Compact.

A. Nothing herein prevents the enforcement of any other law of a Participating State that is not inconsistent with this Compact.

B. Any laws in a Participating State in conflict with this Compact are superseded to the extent of the conflict.

C. All agreements between the Commission and the Participating States are binding in accordance with their terms.

Enacted by Chapter 222, 2023 General Session

Part 2
Division Implementation

58-70c-201 Rulemaking authority -- State authority over scope of practice.

(1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

(2) Notwithstanding any provision in Sections 58-70c-101 through 58-70c-113, Sections 58-70c-101 through 58-70c-113 do not supersede state law related to an individual's scope of practice under this title.

Enacted by Chapter 222, 2023 General Session

Chapter 71
Naturopathic Physician Practice Act

Part 1
General Provisions

58-71-101 Title.

This chapter is known as the "Naturopathic Physician Practice Act."

Enacted by Chapter 282, 1996 General Session

58-71-102 Definitions.

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

(1) "Acupuncture" means the practice of acupuncture as defined in Section 58-72-102.

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

(3) "Controlled substance" means the same as that term is defined in Section 58-37-101.

(4) "Diagnose" means:

(a) to examine in any manner another individual, parts of an individual's body, substances, fluids, or materials excreted, taken, or removed from an individual's body, or produced by an individual'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 (4)(a);

(c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (4)(a); or
(d) to make an examination or determination as described in Subsection (4)(a) upon or from information supplied directly or indirectly by another individual, whether or not in the presence of the individual the examination or determination concerns.

(5) "Local anesthesia" means an agent, whether a natural medicine or nonscheduled prescription drug, which:
(a) is applied topically or by injection associated with the performance of minor office procedures;
(b) has the ability to produce loss of sensation to a targeted area of an individual's body;
(c) does not cause loss of consciousness or produce general sedation; and
(d) is part of the competent practice of naturopathic medicine during minor office procedures.

(6) "Medical naturopathic assistant" means an unlicensed individual working under the direct and immediate supervision of a licensed naturopathic physician and engaged in specific tasks assigned by the licensed naturopathic physician in accordance with the standards and ethics of the profession.

(7)
(a) "Minor office procedures" means:
(i) the use of operative, electrical, or other methods for repair and care of superficial lacerations, abrasions, and benign lesions;
(ii) removal of foreign bodies located in the superficial tissues, excluding the eye or ear;
(iii) the use of antiseptics and local anesthetics in connection with minor office surgical procedures; and
(iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
(A) local anesthesia or a prescription drug described in Subsection (8)(d); or
(B) natural substances.
(b) "Minor office procedures" does not include:
(i) general or spinal anesthesia;
(ii) office procedures more complicated or extensive than those set forth in Subsection (7)(a);
(iii) procedures involving the eye; and
(iv) any office procedure involving nerves, veins, or arteries.

(8) "Natural medicine" means any:
(a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not designated a prescription drug or controlled substance;
(b) over-the-counter medication;
(c) other nonprescription substance, the prescription or administration of which is not otherwise prohibited or restricted under federal or state law; or
(d) prescription drug:
(i) the prescription of which is consistent with the competent practice of naturopathic medicine;
(ii) that is not a controlled substance except for testosterone; and
(iii) that is not any of the following as determined by the federal Food and Drug Administration's general drug category list:
(A) an anticoagulant for the management of a bleeding disorder;
(B) an anticonvulsant;
(C) an antineoplastic;
(D) an antipsychotic;
(E) a barbiturate;
(F) a cytotoxic;

(G) a sedative;
(H) a sleeping drug;
(I) a tranquilizer; or
(J) any drug category added after April 1, 2022, unless the division determines the drug category to be consistent with the practice of naturopathic medicine under Section 58-71-203.

(9)
(a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted by a naturopathic physician.
(b) "Naturopathic childbirth" includes the use of:
(i) natural medicines; and
(ii) uncomplicated episiotomy.
(c) "Naturopathic childbirth" does not include the use of:
(i) forceps delivery;
(ii) general or spinal anesthesia;
(iii) caesarean section delivery; or
(iv) induced labor or abortion.

(10)
(a) "Naturopathic mobilization therapy" means manually administering mechanical treatment of body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body.
(b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of the joints of the human body beyond the elastic barrier.
(c) "Naturopathic mobilization therapy" does not include manipulation as used in Chapter 73, Chiropractic Physician Practice Act.

(11)
(a) "Naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic mobilization therapy, and exercise.
(b) "Naturopathic physical medicine" does not include the practice of physical therapy or physical rehabilitation.

(12) "Naturopathic physician" means an individual licensed under this chapter to engage in the practice of naturopathic medicine.

(13) "Practice of naturopathic medicine" means:
(a) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines, and natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:
(i) using naturopathic childbirth, but only if:
(A) the licensee meets standards of the American College of Naturopathic Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration with the board; and
(B) the licensee follows a written plan for naturopathic physicians practicing naturopathic childbirth approved by the division in collaboration with the board, which includes entering into an agreement with a consulting physician and surgeon or osteopathic physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and specialty care and delivery is indicated, detailing the guidelines by which the naturopathic physician will:

(I) refer patients to the consulting physician; and
(II) consult with the consulting physician;
(ii) using naturopathic mobilization therapy;
(iii) using naturopathic physical medicine;
(iv) using minor office procedures;
(v) prescribing or administering natural medicine;
(vi) prescribing medical equipment and devices, diagnosing by the use of medical equipment and devices, and administering therapy or treatment by the use of medical devices necessary and consistent with the competent practice of naturopathic medicine;
(vii) prescribing barrier devices for contraception;
(viii) using dietary therapy;
(ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and physiological function tests;
(x) taking of body fluids for clinical laboratory tests and using the results of the tests in diagnosis;
(xi) taking of a history from and conducting of a physical examination upon a human patient; and
(xii) administering local anesthesia during the performance of a minor office procedure;
(b) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (13)(a), whether or not for compensation; or
(c) 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 "naturopathic physician," "naturopathic doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care," "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that might cause a reasonable person to believe the individual using the designation is a licensed naturopathic physician.

(14) "Prescribe" means to issue a prescription:
(a) orally or in writing; or
(b) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.

(15) "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 licensed under this chapter or exempt from licensure under this chapter.

(16) "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.

(17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-501.

(18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-502, and as may be further defined by division rule.

Amended by Chapter 362, 2026 General Session

Part 2
Board

58-71-203 Drug category review.
(1) As used in this section, "FDA" means the federal Food and Drug Administration.
(2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug category list, the division shall determine whether the drug category is consistent with the practice of naturopathic medicine.
(3) To make the determination described in Subsection (2), the division shall consult with the board described in Section 58-67-201.
(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to implement this section.

Amended by Chapter 249, 2023 General Session

Part 3
Licensing

58-71-301 Licensure required -- License classifications.
(1) A license is required to engage in the practice of naturopathic medicine, on or for any person in Utah, as a naturopathic physician.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of naturopathic physician.

Enacted by Chapter 282, 1996 General Session

58-71-302 Qualifications for licensure.
(1) Except as provided in Subsection (2), an applicant for licensure as a naturopathic physician shall:
  (a) submit an application in a form the division approves, which may include:
    (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
    (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant;
  (b) pay a fee determined by the department under Section 63J-1-504;
  (c) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a naturopathic physician, as evidenced by having received an earned degree of doctor of naturopathic medicine from:
    (i) a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education or the successor organization approved by the division;
    (ii) a naturopathic medical school or college that is a candidate for accreditation by the Council of Naturopathic Medical Education or the successor organization, and is approved by the division, upon a finding there is reasonable expectation the school or college shall be accredited; or

(iii) a naturopathic medical school or college which, at the time of the applicant's graduation, met current criteria for accreditation by the Council of Naturopathic Medical Education or the successor organization approved by the division;

(d) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements described in Subsection (1)(c), 12 months of clinical experience in naturopathic medicine in a residency program recognized by the division and associated with an accredited school or college of naturopathic medicine, and under the preceptorship of a licensed naturopathic physician, physician and surgeon, or osteopathic physician;

(e) pass the licensing examination sequence required by division rule;

(f) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the division if requested by the division;

(g) meet with representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and

(h)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(2)

(a) In accordance with Subsection (2)(b), an applicant for licensure as a naturopathic physician under the endorsement provision of Section 58-1-302 shall:

(i) meet the requirements of Section 58-1-302;

(ii) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection (1)(d);

(iii) have passed the examination requirements established under Subsection (1)(e) that:

(A) the applicant has not passed in connection with licensure in another state or jurisdiction; and

(B) are available to the applicant to take without requiring additional professional education;

(iv) have been actively engaged in the practice of a naturopathic physician for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; and

(v) meet with representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.

(b) The division may rely, either wholly or in part, on one or more credentialing associations designated by division rule to document and certify in writing to the satisfaction of the division that an applicant has met each of the requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

(i) the applicant holds a current license;

(ii) the education, experience, and examination requirements of the foreign country or the state, district, or territory of the United States that issued the applicant's license are, or were at the time the license was issued, equal to those of this state for licensure as a naturopathic physician; and

(iii) the applicant has produced evidence satisfactory to the division of the applicant's qualifications, identity, and good standing as a naturopathic physician.

Amended by Chapter 443, 2025 General Session

58-71-303 Term of license -- Expiration -- Renewal.

(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 268, 2001 General Session

58-71-304 License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule.

(2) If a renewal period is extended or shortened under Section 58-71-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

Amended by Chapter 249, 2023 General Session

58-71-304.2 Temporary license.

(1) The division may issue a temporary license to an individual who:
(a) meets all qualifications for licensure except completion of the 12 month clinical experience required under Section 58-71-302; and
(b) presents a plan acceptable to the division under which the applicant will practice under the direct supervision of a licensed naturopathic physician, physician and surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians in an approved clinical experience program.

(2) A temporary license issued under this section expires on the date the licensee completes the clinical experience program, but not more than 18 months from the original date of issue.

(3) A temporary license under this section may be issued only once to an individual.

Amended by Chapter 249, 2023 General Session

58-71-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law, but this subsection does not:

(a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or
(b) prohibit providing truthful and nonmisleading information regarding any of the products under this subsection;
(4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;
(5) a person acting in good faith for religious reasons as a matter of conscience or based on a personal belief when obtaining or providing information regarding health care and the use of any product under Subsection (3);
(6) an individual authorized by the Department of Public Safety under Section 53-2d-103, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);
(7) a naturopathic medical assistant while working under the direct and immediate supervision of a licensed naturopathic physician to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of naturopathic medicine; and
(8) an individual who has completed all requirements for licensure under this chapter except the clinical experience required under Section 58-71-302, for a period of one year while that individual is completing that clinical experience requirement and who is working under the provisions of a temporary license issued by the division.

Amended by Chapter 340, 2025 General Session

58-71-306 Status of licenses held on the effective date of this chapter.

An individual holding a current license as a naturopathic physician that was issued under prior Utah law is considered to hold a current license and retains the scope of practice authorized under this title prior to the enactment of this chapter.

Enacted by Chapter 282, 1996 General Session

Part 4
License Denial and Discipline

58-71-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for division action regarding the following are under Section 58-1-401:
(1) refusing to issue a license to an applicant or refusing to renew the license of a licensee;
(2) revoking, suspending, restricting, or placing on probation the license of a licensee;
(3) assessing an administrative penalty; and
(4) issuing a public or private reprimand to a licensee or issuing a cease and desist order.

Enacted by Chapter 282, 1996 General Session

58-71-402 Authority to assess penalty -- Penalty deposited into Physician Education and Enforcement Fund.

(1) After a proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Title 58, Chapter 1, Division of Professional Licensing Act, the division may impose

administrative penalties of up to $10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.
(2) The division shall deposit an administrative penalty imposed under this section into the Physician Education and Enforcement Fund created in Section 58-67a-1.
(3) Assessment of a penalty under this section does not affect any other action the division may take regarding a license issued under this chapter.

Amended by Chapter 443, 2025 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-71-501 Unlawful conduct.
(1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
  (a) buying, selling, or fraudulently obtaining, any medical diploma, license, certificate, or registration related to credentials of a naturopathic physician; and
  (b) aiding or abetting the buying, selling, or fraudulently obtaining of any naturopathic physician diploma, license, certificate, or registration.
(2) "Unlawful conduct" does not include the good faith expression of informed opinions as to available alternatives to the treatment prescribed or advised by the licensee.

Enacted by Chapter 282, 1996 General Session

58-71-502 Unprofessional conduct.
"Unprofessional conduct" includes:
(1) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession, state law, or division rule; or
(2) falsely making an entry in, or altering, a medical record with the intent to conceal:
  (a) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
  (b) conduct described in Subsection (1) or Subsection 58-1-501(1).

Amended by Chapter 25, 2020 General Session

58-71-503 Penalty for unlawful conduct.
(1) Any person who violates the unlawful conduct provisions of Section 58-71-501, Subsection 58-1-501(1)(a), or 58-1-501(1)(c) is guilty of a third degree felony.
(2) The division may assess administrative penalties in accordance with the provisions of Section 58-71-402, for acts of unlawful conduct.
(3)
  (a) The director may collect a penalty that is not paid by:
    (i) referring the matter to a collection agency; or
    (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 318, 2018 General Session

Part 6
Impaired Naturopathic Physician

58-71-601 Mentally incompetent or incapacitated naturopathic physician.
(1) As used in this section:
(a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.
(b) "Mental illness" is as defined in Section 26B-5-303.
(2) If a court of competent jurisdiction determines a naturopathic physician is an incapacitated person or that the physician has a mental illness and is unable to safely engage in the practice of medicine, the director shall immediately suspend the license of the naturopathic physician upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the naturopathic physician, in writing, of the suspension.
(3)
(a) If the division finds reasonable cause to believe a naturopathic physician, who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the director shall file a petition with the division, and cause the petition to be served upon the naturopathic physician with a notice of hearing on the sole issue of the capacity of the naturopathic physician to competently and safely engage in the practice of medicine.
(b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).
(4)
(a) Every naturopathic physician who accepts the privilege of being licensed under this chapter gives consent to:
(i) submitting at the physician's own expense to an immediate mental or physical examination when directed in writing by the division to do so; and
(ii) the admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.
(b) The examination may be ordered by the division only upon a finding of reasonable cause to believe:
(i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable to practice medicine with reasonable skill and safety; and
(ii) immediate action by the division is necessary to prevent harm to the naturopathic physician's patients or the general public.
(c)

(i) Failure of a naturopathic physician to submit to the examination ordered under this section is a ground for the division's immediate suspension of the naturopathic physician's license by written order of the director.

(ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the naturopathic physician and was not related directly to the illness or incapacity of the naturopathic physician.

(5)

(a) A naturopathic physician whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.

(b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the naturopathic physician's patients or the general public.

(6) A naturopathic physician whose license is revoked, suspended, or in any way restricted under this section may request the division to consider, at reasonable intervals, evidence presented by the naturopathic physician, under procedures established by division rule, regarding any change in the naturopathic physician's condition, to determine whether:

(a) the physician is or is not able to safely and competently engage in the practice of medicine; and

(b) the physician is qualified to have the physician's license to practice under this chapter restored completely or in part.

Amended by Chapter 249, 2023 General Session
Amended by Chapter 329, 2023 General Session

Part 7
Immunity Provisions

58-71-701 Immunity provisions apply.

Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, applies to licensees under this chapter.

Enacted by Chapter 282, 1996 General Session

Part 8
Practice Standards

58-71-801 Disclosure of financial interest by licensee -- Kick-back prohibition.

(1) Except as provided in Subsection (2), a naturopathic physician may not refer an individual to any of the following entities where the naturopathic physician or a member of the naturopathic physician's immediate family has an ownership interest:

(a) a pharmacy as defined in Section 58-17b-102 or pharmaceutical facility as defined in Section 58-17b-102; or

(b) a retail store, wholesaler, distributor, manufacturer, or facility of any other kind located in this state that is engaged in the sale, dispensing, delivery, distribution, or manufacture of homeopathic remedies, dietary supplements, or natural medicines.

(2)

(a) A naturopathic physician may refer an individual to an entity described in Subsection (1)(a) or (b) if:

(i) the entity's stock is publicly traded and the naturopathic physician owns less than 5% of the entity's outstanding stock; or

(ii) at the time of the referral, the naturopathic physician discloses in writing that the naturopathic physician or a member of the naturopathic physician's immediate family has an ownership interest in the entity.

(b) A disclosure described in Subsection (2)(a)(ii) shall include a statement informing the patient that the patient may choose to obtain a good or service from another entity.

(c) A naturopathic physician shall comply with any applicable federal laws regarding patient referrals and kick-backs that apply to a physician.

(3) A naturopathic physician may sell from the naturopathic physician's office homeopathic remedies or dietary supplements as defined in the Federal Food Drug and Cosmetic Act consistent with division rule.

Amended by Chapter 311, 2023 General Session

58-71-802 Form of practice.

(1) A naturopathic physician licensed under this chapter may engage in practice as a naturopathic physician, or in the practice of naturopathic medicine only as an individual licensee; but as an individual licensee, the naturopathic physician may be:

(a) an individual operating as a business proprietor;

(b) an employee of another person;

(c) a partner in a lawfully organized partnership;

(d) a lawfully formed professional corporation;

(e) a lawfully organized limited liability company;

(f) a lawfully organized business corporation; or

(g) any other form of organization recognized by the state which is not prohibited by rule adopted by division rules.

(2) Regardless of the form in which a licensee engages in the practice of medicine, the licensee may only permit the practice of medicine in that form of practice to be conducted by an individual:

(a) licensed in Utah as a naturopathic physician under Section 58-71-301, a physician and surgeon, or as an osteopathic physician and surgeon; and

(b) who is able to lawfully and competently engage in the practice of medicine.

Amended by Chapter 249, 2023 General Session

58-71-803 Medical records -- Electronic records.

(1) Medical records maintained by a licensee shall:

(a) meet the standards and ethics of the profession; and

(b) be maintained in accordance with division rules.

(2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Amended by Chapter 249, 2023 General Session

58-71-804 Insurance coverage not mandated.
(1) This chapter does not mandate health insurance coverage for naturopathic medical services.
(2) This chapter does not establish a class of health care providers for the purposes of Section 31A-22-618.
(3) This chapter does not mandate health insurance coverage for the prescription or administration of testosterone by a naturopathic physician.

Amended by Chapter 440, 2022 General Session

Chapter 72
Acupuncture Licensing Act

Part 1
General Provisions

58-72-101 Title.
This chapter shall be known as the "Acupuncture Licensing Act."

Amended by Chapter 26, 1998 General Session

58-72-102 Acupuncture licensing -- Definitions.
As used in this chapter:
(1) "Acupuncture aide" means:
(a) an individual who is not licensed under this chapter but provides a supportive service under the indirect supervision of a licensed acupuncturist who is physically present and available during the performance of a delegated supportive service; and
(b)
(i) an individual who holds a certification in clean needle technique from the Council of Colleges of Acupuncture and Herbal Medicine;
(ii) an individual who completes a course using the Council of Colleges of Acupuncture and Herbal Medicine clean needle technique that the division approves by rule; or
(iii) meets the qualifications the division makes by rule.
(2) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
(3)
(a) "Injection therapy" means the use of a hypodermic needle, by a licensed acupuncturist who satisfies the coursework and supervised experience requirements that the division makes by rule to inject any of the following sterile substances in liquid form into acupuncture points on the body subcutaneously or intramuscularly:
(i) a nutritional substance;
(ii) a local anesthetic;
(iii) autologous blood, if the licensee holds a current phlebotomy certification to draw blood;

(iv) sterile water;
(v) dextrose;
(vi) sodium bicarbonate;
(vii) sterile saline; and
(viii) other substances as defined by the division in rule.
(b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is only a subcutaneous injection or an intramuscular injection.
(c) "Injection therapy" does not include injecting a substance into a vein, artery, blood vessel, nerve, deep organ, or the spine.
(4) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points of the body.
(5)
(a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of injection therapy, and the application of moxibustion to specific areas of the body based on traditional oriental medical diagnosis and modern research as a primary mode of therapy.
(b) "Practice of acupuncture" may include the following adjunctive therapies:
(i) applying manual, mechanical, thermal, electrical, light, and electromagnetic treatments based on traditional oriental medical diagnosis and modern research;
(ii) recommending, administering, or provisioning dietary guidelines, herbs, supplements, homeopathics, and therapeutic exercise based on traditional oriental medical diagnosis and modern research according to practitioner training;
(iii) performing a practice described in Subsections (5)(a) and (5)(b) on an animal to the extent permitted by:
(A) Subsection 58-28-307(12);
(B) the provisions of this chapter; and
(C) division rule; and
(iv) delegating a task to an acupuncture aide and supervising the performance of the task.
(c) "Practice of acupuncture" does not include:
(i) the manual manipulation or adjustment of the joints of the body beyond the elastic barrier; or
(ii) the "manipulation of the articulation of the spinal column" as defined in Section 58-73-102.
(6)
(a) "Supportive services" means the acts that the division defines in rule for which the acupuncture aide is trained.
(b) "Supportive services" does not include providing:
(i) a diagnosis;
(ii) point location;
(iii) needle insertion;
(iv) electrical stimulation;
(v) advice to a patient; or
(vi) a procedure requiring a similar degree of judgment or skill, or an additional act the department defines by rule.
(7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as the division may define by rule.

Amended by Chapter 96, 2026 General Session

58-72-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 88, 2012 General Session

Part 3
Licensure

58-72-301 License required -- License classification.

(1) A license is required to engage in the practice of acupuncture, except as specifically provided in Section 58-1-307 or 58-72-304.
(2) The division shall issue to a person who qualifies under this chapter a license in the classification of licensed acupuncturist.

Amended by Chapter 250, 2008 General Session

58-72-302 Qualifications for licensure.

An applicant for licensure as an acupuncturist shall:
(1) submit an application to the division on a form the division approves;
(2) pay a fee to the division that the division determines in accordance with Section 63J-1-504;
(3) meet the requirements for current active certification in acupuncture under guidelines the National Certification Board for Acupuncture and Herbal Medicine (NCBAHM) establishes as demonstrated through a current certificate or other appropriate documentation;
(4) pass the examination the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(5) establish procedures, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall enable patients to give informed consent to treatment; and
(6) meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

Amended by Chapter 64, 2026 General Session

58-72-303 Terms of license -- Expiration -- Renewal.

(1)
  (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
  (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.
(3) Renewal qualifications shall include:
  (a) either documentation of current and active NCCAOM certification; or
  (b) meeting the same professional development requirements as those licensed under this chapter.

Amended by Chapter 90, 2007 General Session

58-72-304 Exceptions from licensure.

In addition to the exemptions from licensure set forth in Section 58-1-307, the following individuals may engage in the practice of acupuncture subject to the stated circumstances and limitations without being licensed under this chapter:

(1) an individual described in Section 58-1-602 who is performing a procedure described in Section 58-1-602;

(2) an individual licensed as a physician and surgeon or osteopathic physician and surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act;

(3) a commissioned physician or surgeon serving in the armed forces of the United States or other federal agency; and

(4) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, except that a chiropractic physician may not claim to be a licensed acupuncturist without acupuncturist licensure.

Amended by Chapter 317, 2022 General Session

Part 4
License Denial and Discipline

58-72-401 Grounds for denial of license -- Disciplinary proceedings -- Resumption of practice.

Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.

Amended by Chapter 26, 1998 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-72-501 Acupuncture licensee -- Restriction on titles used.

(1)

(a) A licensed acupuncturist may not display or use a title, a word, or an insignia in conjunction with the licensed acupuncturist's name or practice except "licensed acupuncturist" or "L.Ac."

(b) Only an acupuncturist licensed under this chapter may use the title "licensed acupuncturist" or "L.Ac."

(c) When used in conjunction with the licensed acupuncturist's practice, the term "licensed acupuncturist" or "L.Ac." shall be displayed next to the name of the licensed acupuncturist.

(2)

(a) A licensed acupuncturist may not use the term "physician," "physician or surgeon," or "doctor" in conjunction with the acupuncturist's name or practice.

(b) A licensed acupuncturist may use the terms "Doctor of acupuncture," "Doctor of Oriental Medicine," "Doctor of Acupuncture and Oriental Medicine," "D.O.M.," "D.A.O.M.," or "oriental medical doctor" if the term is commensurate with the degree in acupuncture the practitioner holds.

(3)

(a) A medical doctor or a chiropractic physician who chooses to practice acupuncture shall provide acupuncture as a medical doctor or chiropractic physician practicing acupuncture.

(b) A medical doctor or a chiropractic physician who chooses to practice acupuncture may not represent that the medical doctor or a chiropractic physician is a licensed acupuncturist.

Amended by Chapter 96, 2026 General Session

58-72-502 Penalty for unlawful conduct.

(1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.

(2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (e) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 253, 1996 General Session

58-72-503 Unprofessional conduct.

Unprofessional conduct includes the failure to transmit records in the English language to the division, the patient's practitioner, or a third party insurance payor upon request.

Enacted by Chapter 26, 1998 General Session

Part 7
Procurement and Administration Authority

58-72-701 Procurement and administration authority.

(1)

(a) A licensee who has received the necessary training, the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to practice injection therapy as defined in Section 58-72-102:

(i) has authority to procure and administer prescriptive substances described in Subsections 58-72-102(3)(a) and (b) for in-office administration only; and

(ii) may obtain substances described in Subsection 58-72-102(3)(a) from a registered prescription drug outlet, registered manufacturer, or registered wholesaler.

(b) A licensee who has received the necessary training to practice injection therapy as defined in Section 58-72-102, may not perform injection therapy on a pregnant woman or a child under eight years old.

(2) An entity that provides any substance to a licensee in accordance with this chapter, and relies in good faith on license information provided by the licensee, is not liable for providing the substance.

Amended by Chapter 96, 2026 General Session

Chapter 73
Chiropractic Physician Practice Act

Part 1
General Provisions

58-73-101 Title.

This chapter is known as the "Chiropractic Physician Practice Act."

Renumbered and Amended by Chapter 253, 1996 General Session

58-73-102 Definitions.

(1) "Adjustment of the articulation of the spinal column" means performance by a chiropractic physician by the use of passive movements directed toward the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors using one or more of the following techniques:
  (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a nature that the patient cannot prevent the motion, commencing where the motion encounters the elastic barrier of resistance and ends at the limit of anatomical integrity;
  (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden, high velocity, short amplitude thrust;
  (c) light force adjusting utilizing sustained joint traction or applied directional pressure, or both, which may be combined with passive motion to restore joint mobility; and
  (d) long distance lever adjusting utilizing forces delivered at some distance from the dysfunctional site and aimed at transmission through connected structures to accomplish joint mobility.
(2) "Board" means the Chiropractic Physician Licensing Board created in Section 58-73-201.
(3) "Chiropractic assistant" means an individual who performs activities related to the practice of chiropractic under the supervision of a licensed chiropractic physician in accordance with division rule established in collaboration with the board.
(4) "Chiropractic physician" means an individual who has been licensed under this chapter to practice chiropractic.
(5) "Diagnosis of the articulation of the spinal column" means to examine the articulations of the spinal column of another human to determine the source, nature, kind, or extent of a disease, vertebral subluxation, or other physical condition, and to make a determination of the source, nature, kind, or extent of a disease or other physical condition.
(6) "Elastic barrier" means the point at which the patient cannot move a joint by the patient's own means and through which movement is obtained or caused by a practitioner's skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion.
(7) "Incisive surgery" means any procedure having the power or quality of cutting of a patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.
(8) "Manipulate the articulation of the spinal column" means use by a practitioner of a skillful treatment using the practitioner's hands in a manipulation of a joint as follows:
  (a) by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion;

(b) the movement of the joint is by force beyond its active limit of motion;
(c) the manipulation commences where mobilization ends and specifically begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical integrity; and
(d) the manipulation is directed to the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors.
(9) "Practice of chiropractic" means a practice of a branch of the healing arts:
(a) the purpose of which is to restore or maintain human health, in which patient care or first aid, hygienic, nutritional, or rehabilitative procedures are administered;
(b) which places emphasis upon specific vertebral adjustment, manipulation, and treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body, and nervous system;
(c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or the attempt to do so, in accordance with Section 58-73-601;
(d) that involves diagnosing, prescribing treatment, or making a determination of treatment necessity for another person's condition by means of:
(i) a physical examination of the person; or
(ii) a determination based upon or derived from information supplied directly or indirectly by a third person; and
(e) that includes the practice described in this Subsection (9) on an animal subject to:
(i) Subsection 58-28-307(12);
(ii) the provisions of this chapter; and
(iii) division rule.
(10) "Therapeutically position the articulation of the spinal column" means to adjust or manipulate the articulation of the spinal column.

Amended by Chapter 64, 2026 General Session

Part 2
Board

58-73-201 Board.
(1) There is created the Chiropractic Physician Licensing Board consisting of four chiropractic physicians and one member from the general public.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
(b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Renumbered and Amended by Chapter 253, 1996 General Session

Part 3
Licensure

58-73-301 Licensure required -- License classifications.

(1) A license is required to engage in the practice of chiropractic, except as specifically provided in Section 58-73-304.

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of chiropractic physician.

Amended by Chapter 284, 1998 General Session

58-73-302 Qualifications for licensure.

(1) Each applicant for licensure as a chiropractic physician, other than an applicant applying for a license based on licensure as a chiropractor or chiropractic physician in another jurisdiction, shall:

(a) submit an application in a form the division approves;

(b) pay a fee the division determines in accordance with Section 63J-1-504;

(c) demonstrate satisfactory completion of at least two years of general study in a college or university;

(d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic college or university that at the time the degree was conferred was accredited by the Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting body recognized by the United States Department of Education and by the division rule made in collaboration with the board;

(e) demonstrate successful completion of:

(i) the National Chiropractic Boards:

(A) Parts I and II;

(B) Written Clinical Competency Examination; and

(C) Physiotherapy;

(ii) the Utah Chiropractic Law and Rules Examination; and

(iii) a practical examination the division approves in collaboration with the board;

(f) meet with the board, if requested, for the purpose of reviewing the applicant's qualifications for licensure; and

(g)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

(ii) meet any other standard related to the criminal background check described in Subsection (1)(g)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) disclose any criminal history the division requests on a form the division approves.

(2) Each applicant for licensure as a chiropractic physician based on licensure as a chiropractor or chiropractic physician in another jurisdiction shall:

(a) submit an application in the form the division approves;

(b) pay a fee the division determines in accordance with Section 63J-1-504;

(c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in another state under education requirements which were equivalent to the education requirements in

this state to obtain a chiropractor or chiropractic physician license at the time the applicant obtained the license in the other state;
(d) demonstrate successful completion of the Utah Chiropractic Law and Rules Examination;
(e) have been actively engaged in the practice of chiropractic for not less than two years immediately preceding application for licensure in Utah;
(f) meet with the board, if requested, for the purpose of reviewing the applicant's qualifications for licensure; and
(g)
(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(ii) meet any other standard related to the criminal background check described in Subsection (2)(g)(i), that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) disclose any criminal history the division requests on a form the division provides.

Amended by Chapter 64, 2026 General Session

58-73-303 Terms of license -- Expiration -- Renewal.
(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) At the time of renewal, the licensee shall show satisfactory evidence of completion of continuing education as defined by rule.
(3) Each license expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 253, 1996 General Session

58-73-304 Exemptions from licensure.
(1) Except as provided in Subsection (2), the exemptions from licensure set forth in Section 58-1-307 apply.
(2) With regard to Subsections 58-1-307(1)(b) and (c), the only exemption from licensure permitted is a preceptorship which may permit a student to engage in acts or practices included within the definition of the practice of chiropractic, while:
(a) performing the duties and activities which are part of the approved program of education and training of a college or university accredited by the Council on Chiropractic Education; and
(b) under a form of supervision approved by the division.
(3) In addition to the exemptions provided in Subsections (1) and (2), a chiropractic assistant while working under the supervision of a licensed chiropractic physician is exempt from licensure under this chapter to the extent the chiropractic assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of chiropractic and division rule established in collaboration with the board.

Amended by Chapter 284, 1998 General Session

Part 4
License Denial and Discipline

58-73-401 Grounds for denial of license -- Disciplinary proceedings -- Limitation on division actions.

(1) Grounds for the following are in accordance with Section 58-1-401:
  (a) refusing to issue a license to an applicant;
  (b) refusing to renew the license of a licensee;
  (c) revoking, suspending, restricting, or placing on probation the license of a licensee;
  (d) issuing a public or private reprimand to a licensee; and
  (e) issuing a cease and desist order.

(2) If a court with jurisdiction determines a chiropractic physician is incompetent, mentally incompetent, incapable, or has a mental illness, the director shall suspend the license of that chiropractic physician, even if an appeal is pending.

(3)
  (a) If the board believes there is reasonable cause to believe a chiropractic physician who has not been judicially determined to be incompetent, mentally incompetent, incapable, or to have a mental illness, is unable to practice chiropractic with reasonable skill and safety due to a mental or physical illness or condition, or engagement in any of the behaviors listed in Subsection 58-1-501(2)(a)(v), or as a result of any mental or physical condition, a petition shall be served upon that chiropractic physician for a hearing on the sole issue of the capacity of the chiropractic physician to conduct properly the practice of the chiropractic physician.
  (b) Every chiropractic physician licensed by this state is considered to have:
    (i) agreed to submit to a mental or physical examination upon receipt of a written direction given by the division with the approval of the board; and
    (ii) waived all objections to the admissibility of the examining chiropractic physician's or other practitioner's testimony or examination reports on the ground they constitute a privileged communication.
  (c) Failure of a chiropractic physician to submit to an examination under Subsection (3)(b) when directed by the division, unless the failure was due to circumstances beyond the chiropractic physician's control, constitutes grounds for immediate suspension of the chiropractic physician's license and an order of suspension of the license may be entered by the division without the taking of testimony or the presentation of evidence.
  (d) A chiropractic physician whose license is suspended under this section shall, at reasonable intervals, be afforded the opportunity to demonstrate the chiropractic physician can resume the competent practice of chiropractic with reasonable skill and safety to patients.
  (e) Neither the proceedings of the board nor the action taken by the board in accordance with this section may be used against a chiropractic physician in any other proceedings.

(4) The terms of revocation, suspension, or probation under this chapter may include:
  (a) revoking the license to practice either permanently or with a stated date before which the individual may not apply for licensure;
  (b) suspending, limiting, or restricting the license to practice chiropractic for up to five years, including limiting the practice of the person to, or excluding from the person's practice, one or more specific branches of medicine, including any limitation on practice within the specified branches;
  (c) requiring the license holder to submit to care, counseling, or treatment by physicians approved by or designated by the board, as a condition for licensure;

(d) requiring the license holder to participate in a program of education prescribed by the board;
(e) requiring the license holder to practice under the direction of a physician designated by the board for a specified period of time; or
(f) other appropriate terms and conditions the division determines in collaboration with the board to be necessary to protect the public health, safety, or welfare.

Amended by Chapter 64, 2026 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-73-501 Unprofessional conduct.

A person engages in unprofessional conduct if the person:
(1) engages in practice as a chiropractic physician after electing to place the person's license on inactive status, without having established with the board that the person has initiated or completed continuing education necessary to reinstate active status of the person's license;
(2) fails to complete required continuing professional education;
(3) violates any of the scope of practice standards set forth in Section 58-73-601;
(4) fails to maintain patient records in sufficient detail to clearly substantiate a diagnosis, all treatment rendered to the patient in accordance with the recognized standard of chiropractic care, and fees charged for professional services;
(5) refuses to divulge to the division on demand the means, methods, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that information is protected by the physician-patient privilege of Utah and the patient has not waived that privilege;
(6) refuses the division or the division's employees access to the person's office, instruments, laboratory equipment, appliances, or supplies at reasonable times for purposes of inspection;
(7) fraudulently represents that curable disease, sickness, or injury can be cured in a stated time, or knowingly making any false statement in connection with the practice of chiropractic;
(8) offers, undertakes, or agrees to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality;
(9) willfully and intentionally makes any false statement or entry in any chiropractic office records or other chiropractic records or reports;
(10) knowingly engages in billing practices which are abusive and represent charges which are fraudulent or grossly excessive for services rendered;
(11) performs, procures, or agrees to procure or perform, or advises, aids and abets, offers, or attempts to aid and abet in the procuring of a criminal abortion;
(12) willfully betrays or discloses a professional confidence or violation of a privileged communication, except:
(a) as required by law; or
(b) to assist the division by fully and freely exchanging information concerning applicants or licensees with the licensing or disciplinary boards of other states or foreign countries, the Utah chiropractic associations, their component societies, or chiropractic societies of other states, countries, districts, territories, or foreign countries;

(13) directly or indirectly gives or receives any fee, commission, rebate, or other compensation for professional services not actually rendered or supervised, but this subsection does not preclude the legal relationships within lawful professional partnerships, corporations, or associations;
(14) knowingly fails to transfer a copy of pertinent and necessary medical records or a summary of them to another physician when requested to do so by the subject patient or the patient's designated representative;
(15) makes a false entry in, or altering, a medical record with the intent to conceal:
(a) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
(b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1);
(16) shares professional fees with a person that is not licensed under this chapter; and
(17) pays a person for a patient referral.

Amended by Chapter 64, 2026 General Session

58-73-502 Unlawful conduct -- Penalties.
(1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:
(a) buying, selling, or fraudulently obtaining any chiropractic diploma, license, certificate, or registration;
(b) aiding or abetting the buying, selling, or fraudulently obtaining of any chiropractic diploma, license, certificate, or registration; and
(c) substantially interfering with a licensee's lawful and competent practice of chiropractic in accordance with this chapter.
(2) Any person who violates any provision of Subsection (1) is guilty of a third degree felony.

Enacted by Chapter 284, 1998 General Session

Part 6
Scope of Practice - Division Regulation

58-73-601 Scope of practice for a chiropractic physician.
(1) A chiropractic physician licensed under this chapter may engage in the practice of chiropractic as defined in Section 58-73-102 in accordance with the following standards.
(2) A chiropractic physician may:
(a) examine, diagnose, and treat only within the scope of chiropractic as described in this Subsection (2);
(b)
(i) use x-ray for diagnostic purposes only; and
(ii) order, for diagnostic purposes only:
(A) ultrasound;
(B) magnetic resonance imaging; and
(C) computerized tomography;
(c) administer:
(i) physical agents, including light, heat, cold, water, air, sound, compression, electricity, and electromagnetic radiation except gamma radiation; and
(ii) physical activities and devices, including:

(A) exercise with and without devices;
(B) joint mobilization;
(C) mechanical stimulation;
(D) postural drainage;
(E) traction;
(F) positioning;
(G) wound debridement, cleansing, and dressing changes;
(H) splinting;
(I) training in locomotion and other functional activities with and without assistance devices; and
(J) correction of posture, body mechanics, and gait;

(d) administer the following topically applied medicinal agents, including steroids, anesthetics, coolants, and analgesics for wound care and for musculoskeletal treatment, including their use by iontophoresis or phonophoresis;

(e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;

(f) utilize immobilizing appliances, casts, and supports for support purposes, but may not set displaced bone fractures;

(g) inform the patient of possible side effects of medication and recommend referral to the prescribing practitioner;

(h) provide instruction in the use of physical measures, activities, and devices for preventive and therapeutic purposes;

(i) provide consulting, educational, and other advisory services for the purposes of reducing the incidence and severity of physical disability, movement dysfunctions, bodily malfunction, and pain;

(j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability, movement dysfunction, bodily malfunction, and pain resulting from disorders, congenital and aging conditions, injury, and disease; and

(k) administer, interpret, and evaluate tests.

(3) A chiropractic physician may not:

(a) perform incisive surgery;

(b) administer drugs or medicines for which an authorized prescription is required by law except as provided in Subsection (2)(d);

(c) treat cancer;

(d) practice obstetrics;

(e) prescribe or administer x-ray therapy; or

(f) set displaced fractures.

(4) A chiropractic physician shall assume responsibility for the chiropractic physician's examinations, diagnoses, and treatment.

(5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for dispensing, dispense, purchase without a prescription written by a licensed and authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a prescription to dispense, under Chapter 17b, Pharmacy Practice Act, or Chapter 37, Controlled Substances.

(6) Only primary health care providers licensed under this title as osteopathic physicians, physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust, manipulate, or therapeutically position the articulation of the spinal column to the extent permitted by their scopes of practice.

Amended by Chapter 64, 2026 General Session

58-73-602 Division regulation -- Quality of care -- Complaints.

(1) To enable the division and the board to license applicants for licensure and regulate individuals licensed under this chapter, the division and board shall endeavor to obtain information concerning the quality and adequacy of chiropractic care rendered to patients.

(2) Chiropractic physicians licensed under this chapter shall furnish information requested by the division on recommendation of the board.

(3)

(a) The board shall designate committees composed of chiropractic physicians licensed by this state to advise the division and the board regarding the quality and adequacy of chiropractic care rendered to patients by chiropractic physicians licensed under this chapter and to recommend the division initiate investigations on chiropractic physicians who may be acting in violation of this chapter.

(b) If it appears to the committee there is reasonable cause to believe that a chiropractic physician licensed under this chapter has failed to provide adequate chiropractic care to patients, a complaint shall be made to the division outlining the statement of reasonable cause.

Renumbered and Amended by Chapter 253, 1996 General Session

58-73-603 Consumer access to provider charges.

Beginning January 1, 2011, a chiropractic physician licensed under this chapter shall, when requested by a consumer:

(1) make a list of professional charges available for the consumer which includes the chiropractic physician's 25 most frequently performed:

(a) clinical procedures or clinical services;

(b) out-patient procedures; and

(c) in-patient procedures; and

(2) provide the consumer with information regarding any discount available for:

(a) services not covered by insurance; or

(b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

Part 7
Liability Immunity

58-73-701 Persons immune from liability.

(1) Employees of the division, members of the board or its committees, and professional consultants serving the division or the board, are not subject to civil damages, when acting under the authority of this chapter for any act or omission performed in good faith within the scope of their functions as an employee of the division or member of the board.

(2) Employees, board members, committee members, and professional consultants are indemnified by the state. The state has full responsibility for providing legal and financial protection for employees, board members, committee members, and consultants to the board or division.

(3) Nothing in this section may be construed to adversely limit any provision of Title 63G, Chapter 7, Governmental Immunity Act of Utah.

Amended by Chapter 382, 2008 General Session

Chapter 74
State Certification of Court Reporters Act

Part 1
General Provisions

58-74-101 Title.

This chapter is known as the "State Certification of Court Reporters Act."

Amended by Chapter 379, 2019 General Session

58-74-102 Definitions.

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

(1) "Practice of court reporting" means the making of a verbatim record, by stenography or voice writing, of any trial, legislative public hearing, state agency public hearing, deposition, examination before trial, hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or other sworn testimony given under oath.

(2) "State certified court reporter" means a person who engages in the practice of court reporting and has met the requirements for state certification as a state certified court reporter.

(3) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-74-501.

(4) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-74-502 and as may be further defined by rule.

Amended by Chapter 339, 2020 General Session

Part 3
Certification

58-74-301 State certification required.

(1) State certification as a state certified court reporter is required to engage in the practice of court reporting.

(2) The division shall grant state certification as a state certified court reporter to any person who meets the requirements described in this chapter.

Amended by Chapter 379, 2019 General Session

58-74-302 Qualifications for state certification.

(1) Each applicant for state certification as a state certified court reporter under this chapter shall:

(a) submit an application in a form the division approves;
(b) pay a fee the division determines in accordance with Section 63J-1-504;
(c) possess a high degree of skill and ability in the art of court reporting; and
(d) submit evidence that the applicant has completed and passed the Registered Professional Reporter Examination of the National Court Reporters Association or the Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

(2) A person granted a certificate to practice as a state certified court reporter may use the abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and valid.

Amended by Chapter 64, 2026 General Session

58-74-303 Term of state certification -- Expiration -- Renewal.

(1)
(a) The division shall issue each state certification under this chapter in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) Each applicant shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by the division.

(3) Each state certification automatically expires on the expiration date shown on the state certification unless the applicant renews it in accordance with Section 58-1-308.

Amended by Chapter 379, 2019 General Session

Part 4
License Denial and Discipline

58-74-401 Grounds for denial of state certification -- Disciplinary proceedings.

Grounds for refusing to issue a state certification to an applicant, for refusing to renew the state certification of an applicant, for revoking, suspending, restricting, or placing on probation the state certification of a state certified court reporter, for issuing a public or private reprimand to a state certified court reporter, and for issuing a cease and desist order shall be in accordance with Sections 58-1-401 and 78A-2-404.

Amended by Chapter 379, 2019 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-74-501 Unlawful conduct.

(1) It is unlawful for any person who does not have state certification in accordance with this chapter to:
(a) assume the title state certified court reporter; or

(b) assume the title or use the abbreviation C.C.R. or C.V.R. or any other similar words, letters, figures, or abbreviation to indicate that the person using that title or abbreviation is a state certified court reporter.

(2) Violation of this provision is a class A misdemeanor.

Amended by Chapter 379, 2019 General Session

58-74-502 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) conduct unbecoming a state certified court reporter or which is detrimental to the interests of the public;

(2) willful or negligent betrayal or disclosure of confidential information about which a state certified court reporter becomes knowledgeable as a result of or incidental to the person's practice as a state certified court reporter;

(3) false or deceptive representation of a a state certified court reporter's skills, competence, capability, or resources as a state certified court reporter;

(4) offering, undertaking, or agreeing to undertake an assignment as a state certified court reporter for which the state certified court reporter is not qualified, cannot complete the assignment in a timely manner, or does not have the resources to complete the assignment as agreed in a professional manner;

(5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner which negatively affects the ability of a state certified court reporter to competently practice as a state certified court reporter;

(6) willfully and intentionally making any false or fraudulent record in the performance of a state certified court reporter's duties as a state certified court reporter;

(7) any conduct contrary to the recognized standards and ethics of the profession of a state certified court reporter;

(8) gross incompetence in practice as a state certified court reporter;

(9) violation of any provision of this chapter, Section 78A-2-404, or rules promulgated to regulate the practice of state certified court reporters;

(10) conviction of a felony or any other crime which is considered by the division to represent activity detrimental to the public interest as that interest is reflected in a state certified court reporter continuing to practice as a state certified court reporter; or

(11) attesting to or "signing off" on the transcript of any recorded proceeding unless that proceeding was recorded by that person while physically present at the proceeding or was personally transcribed by that person from an electronically recorded process.

Amended by Chapter 379, 2019 General Session

Chapter 75
Genetic Counselors Licensing Act

Part 1
General Provisions

58-75-102 Definitions.

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

(1) "Genetic counselor" means a person licensed under this chapter to engage in the practice of genetic counseling.

(2) "Practice of genetic counseling" means the communication process which deals with the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family:

(a) comprehend the medical facts, including the diagnosis, probable cause of the disorder, and the available management;

(b) appreciate the way heredity contributes to the disorder and the risk of occurrence in specified relatives;

(c) understand the alternatives for dealing with the risk of occurrence;

(d) choose the course of action which seems appropriate to them in view of their risk, their family goals, and their ethical and religious standards, and to act in accordance with that decision; and

(e) make the best possible psychosocial adjustment to the disorder in an affected family member or to the risk of occurrence of that disorder.

(3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

(4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 249, 2023 General Session

Part 3
Licensing

58-75-301 Licensure required -- Issuance of licenses -- Effect on insurers.

(1) Beginning January 1, 2002, and except as provided in Sections 58-1-307 and 58-75-304, a license is required to engage in the practice of genetic counseling.

(2) The division shall issue to any person who qualifies under this chapter a license to practice genetic counseling.

(3) Nothing in this chapter shall be construed to require payment from insurers for genetic counseling services.

Enacted by Chapter 100, 2001 General Session

58-75-302 Qualifications for licensure -- Temporary license.

(1) Except as provided in Subsection (2), each applicant for licensure as a genetic counselor under this chapter shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) provide satisfactory documentation of having earned:

(i) a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent as determined by the division; or

(ii) a doctoral degree from a medical genetics training program that is accredited by the American Board of Medical Genetics or an equivalent as determined by the division; and

(d) meet the examination requirement for certification as:

(i) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics; or

(ii) a medical geneticist by the American Board of Medical Genetics.

(2) The division may issue a temporary license, in accordance with Section 58-1-303 and any other conditions established by rule, to an applicant who meets all of the requirements for licensure except the examination requirement of Subsection (1)(d).

Amended by Chapter 339, 2020 General Session

58-75-303 Term of license -- Expiration -- Renewal.

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by rule by the division.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 249, 2023 General Session

58-75-304 Exemptions from licensure.

In addition to the exemptions from licensure set forth in Section 58-1-307, the following persons may engage in the practice of genetic counseling subject to the stated circumstances and limitations without being licensed under this chapter:

(1) an individual licensed as a physician and surgeon or osteopathic physician and surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act;

(2) a commissioned physician or surgeon serving in the armed forces of the United States or other federal agency; and

(3) an individual licensed as a physician assistant under Chapter 70a, Utah Physician Assistant Act.

Amended by Chapter 349, 2019 General Session

Part 4
License Denial and Discipline

58-75-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 100, 2001 General Session

Part 5
Unlawful and Unprofessional Conduct

58-75-501 Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using the title "genetic counselor" or any other title or designation tending to indicate that the person is a genetic counselor unless that person has a current license as a genetic counselor issued under this chapter.

Enacted by Chapter 100, 2001 General Session

58-75-502 Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and as may be further defined by rule:

(1) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through training or experience;
(2) failing to refer a client to other competent professionals when the licensee is unable or unwilling to adequately support or serve the client;
(3) failing to maintain the confidentiality of any information received from a client, unless released by the client or otherwise authorized or required by law; and
(4) exploiting a client for personal advantage, profit, or interest.

Enacted by Chapter 100, 2001 General Session

Chapter 76
Professional Geologist Licensing Act

Part 1
General Provisions

58-76-101 Title.

This chapter is known as the "Professional Geologist Licensing Act."

Enacted by Chapter 218, 2002 General Session

58-76-102 Definitions.

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

(1) "Board" means the Professional Geologist Licensing Board created in Section 58-76-201.
(2) "Geology" means the science, which treats the study of the earth in general, the earth's processes and history, investigation of the earth's crust and the rocks and other materials of which it is composed, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of mankind.

(3) "Practice of geology before the public" means the performance of geology including but not limited to consultation, investigation, evaluation, planning, geologic mapping, interpretation of geologic data, preparation of geologic reports, geologic cross-sections and geologic maps, inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter.
(4) "Professional geologist" means a person licensed under this chapter to engage in the practice of geology before the public.
(5) "Responsible charge" means the independent control and direction by use of initiative, skill, and independent judgment of geological work or the supervision of the work.
(6) "Subordinate" means any individual who practices geology or assists a professional geologist in the practice of geology before the public without assuming the responsible charge for the work.
(7) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-76-501.
(8) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be further defined by rule by the division in collaboration with the board.

Enacted by Chapter 218, 2002 General Session

58-76-103 Professional Geologist Education and Enforcement Account.
(1) There is created a restricted account within the General Fund known as the "Professional Geologist Education and Enforcement Account."
(2) The restricted account shall consist of money from:
  (a) a surcharge fee established by the department in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to exceed 50% of the respective initial, renewal, or reinstatement licensure fee;
  (b) administrative penalties collected pursuant to this chapter; and
  (c) interest earned on money in the account.
(3) Money in the account may be appropriated by the Legislature for the following purposes:
  (a) education and training of licensees under this chapter;
  (b) education and training of the public or other interested persons in matters concerning geology laws and practices;
  (c) enforcement of this chapter by:
    (i) investigating unprofessional or unlawful conduct;
    (ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct; and
    (iii) monitoring compliance of renewal requirements; and
  (d) education and training of board members.

Amended by Chapter 303, 2011 General Session

Part 2
Board

58-76-201 Board.
(1) There is created the Professional Geologist Licensing Board consisting of five members as follows:

(a) three professional geologists;
(b) the Utah state geologist; and
(c) one member representing the general public.
(2) Except for the Utah state geologist, the board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203, and the board shall also:
(a) designate one of its members on a permanent or rotating basis to assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of professional geologists; and
(b) advise the division in its investigation of these complaints.
(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Enacted by Chapter 218, 2002 General Session

Part 3
Licensing

58-76-301 License required -- License classification.
(1) After January 1, 2003, a license is required to engage in the practice of geology before the public except as specifically provided in Sections 58-1-307 and 58-76-304.
(2) The division shall issue to a person who qualifies under the provisions of this chapter a license in the classification of professional geologist.

Enacted by Chapter 218, 2002 General Session

58-76-302 Qualifications for licensure.
Each applicant for licensure as a professional geologist shall:
(1) submit an application in a form as approved by the division;
(2) pay a fee as determined by the department under Section 63J-1-504;
(3) provide satisfactory evidence of:
(a) at a minimum, a bachelor's degree in the geosciences with a minimum of 30 semester or 45 quarter hours of course work in the geosciences; or
(b) completion of other equivalent educational requirements as determined by the division in collaboration with the board;
(4) provide satisfactory evidence of:
(a) with a bachelor's degree, a specific record of five years of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work;
(b) with a masters degree, a specific record of three years of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work; or

(c) with a doctorate degree, a specific record of one year of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work; and

(5) meet the examination requirement established by rule by the division in collaboration with the board.

Amended by Chapter 213, 2025 General Session

58-76-303 Term of license -- Expiration -- Renewal.

(1)

(a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.

(b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Enacted by Chapter 218, 2002 General Session

58-76-304 Exemption from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the practice of geology, subject to the stated circumstances and limitations, without being licensed under this chapter if they do not use the title of professional geologist or are not directly represented or held out to the public to be legally qualified to engage in the practice of geology before the public in this state:

(1) an employee or subordinate of a professional geologist licensed under this chapter, or any employee of an individual exempted from licensure under this Subsection (1) or Subsection (2), provided that the employee's or subordinate's practice does not include responsible charge;

(2) qualified engineers and land surveyors, licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, who do not intentionally represent themselves to be professional geologists;

(3) an individual, individual practitioner, or regular full-time employee of a firm, partnership, association, corporation, or other business entity engaged in the exploration for and development of coal, uranium, oil, natural gas, geothermal or other energy resources, precious and nonprecious metals and minerals, and industrial and other minerals, including sand, gravel, and aggregate if the geological work is performed solely for internal use within the company and is not offered directly to the public;

(4) an individual engaged in teaching or research in the physical or natural sciences who is not otherwise engaged in practicing geology before the public;

(5) an individual providing agricultural or agronomic soils analyses, sampling, or laboratory testing; and

(6) an employee of a communications, utility, railroad, mining, petroleum, or manufacturing company, or an affiliate of such a company, if the geological work is performed solely for internal use within the company and is not offered directly to the public.

Enacted by Chapter 218, 2002 General Session

Part 4
License Denial and Discipline

58-76-401 Grounds for denial of license -- Disciplinary proceedings.

Division grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders are in accordance with Section 58-1-401.

Enacted by Chapter 218, 2002 General Session

Part 5
Unlawful Conduct - Penalties

58-76-501 Unlawful conduct.

In addition to the definition in Subsection 58-1-501(1), "unlawful conduct" includes:

(1) using the title "Professional Geologist" or any other words, letters, abbreviations, or designations, which represent recognized professional geological disciplines indicating that the person using them is a professional geologist, unless the person holds a valid license issued under this chapter; or

(2) as a corporation, proprietorship, partnership, or limited liability company, engaging in or representing that the entity is engaging in the practice of geology before the public, unless at least one individual employee of the entity holds a valid license issued under this chapter.

Enacted by Chapter 218, 2002 General Session

58-76-502 Penalty for unlawful conduct.

(1)

(a) If, upon inspection or investigation, the division concludes that a person has violated Section 58-76-501 or any rule or order issued with respect to Section 58-76-501, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who violates Subsections 58-1-501(1)(a) through (d) or Section 58-76-501 or any rule or order issued with respect to Section 58-76-501, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (1) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d) or Section 58-76-501 or any rule or order issued with respect to this section.

(ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-76-401 may not be assessed through a citation.

(b) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
(c) The division may issue a notice in lieu of a citation.
(d) Each citation issued under this section, or a copy of each citation, may be served upon any person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made personally or upon the person's agent by a division investigator or by any person specially designated by the director or by mail.
(e) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review. The period to contest a citation may be extended by the division for cause.
(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.
(g) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.
(h) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.
(i) The director or the director's designee shall assess fines according to the following:
(i) for a first offense handled pursuant to Subsection (1)(a), a fine of up to $1,000;
(ii) for a second offense handled pursuant to Subsection (1)(a), a fine of up to $2,000; and
(iii) for any subsequent offense handled pursuant to Subsection (1)(a), a fine of up to $2,000 for each day of continued offense.
(2) An action initiated for a first or second offense which has not yet resulted in a final order of the division shall not preclude initiation of any subsequent action for a second or subsequent offense during the pendency of any preceding action. The final order on a subsequent action shall be considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.
(3)
(a) The director may collect a penalty that is not paid by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Amended by Chapter 339, 2020 General Session

Part 6
Practice Standards

58-76-601 Seal -- Design and implementation.

Every professional geologist shall have a seal, the design and implementation of which shall be established by rule by the division in collaboration with the board.

Enacted by Chapter 218, 2002 General Session

58-76-602 Geologic maps, cross-sections, reports, and documents to be sealed.

(1) Any final geologic map, cross-section, or report prepared in this state shall bear the seal of a professional geologist licensed under this chapter, except as provided in Section 58-76-304.
(2) Any final geologic map, cross-section, sketch, drawing, plan, or report prepared by, or under the supervision of, a professional geologist shall bear the seal of the professional geologist when submitted to a client or when filed with public authorities, even if the practice is exempt from licensure under Section 58-76-304.

Enacted by Chapter 218, 2002 General Session

58-76-603 Seal -- Authorized use.

A professional geologist may only affix the licensee's seal to a geologic map, cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch, drawing, plan, or report:
(1) was personally prepared by the licensee;
(2) was prepared by an employee, subordinate, associate, or drafter under the supervision of a licensee, provided the licensee or a principal affixing the seal assumes responsibility;
(3) was prepared by a licensed professional geologist in this state or any other state provided:
  (a) the licensee in this state affixing the seal performs a thorough review of all work for compliance with all applicable laws and rules and the standards of the profession; and
  (b) makes any necessary corrections before submitting the final plan, specification, or report:
    (i) to a public authority; or
    (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final;
(4) was prepared in part by a licensed professional geologist in this state or any other state provided:
  (a) the licensee in this state clearly identifies that portion of the geologic map, cross-section, or report for which the licensee is responsible;
  (b) the licensee in this state affixing the seal performs a thorough review of that portion of the geologic map, cross-section, or report for which the licensee is responsible for compliance with the standards of the profession; and
  (c) makes any necessary corrections before submitting the final geologic map, cross-section, or report for which the licensee is responsible:
    (i) to a public authority; or
    (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final;
(5) was prepared by a person exempt from licensure as a professional geologist provided that:
  (a) the licensee in this state affixing the seal performs a thorough review for compliance with all applicable laws and rules and the standards of the profession; and
  (b) makes any necessary corrections before submitting the final geologic map, cross-section, or report:
    (i) to a public authority; or

(ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final; or
(6) meets any additional requirements the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the board.

Amended by Chapter 64, 2026 General Session

Chapter 77
Direct-Entry Midwife Act

Part 1
General Provisions

58-77-101 Title.
This chapter is known as the "Direct-entry Midwife Act."

Enacted by Chapter 299, 2005 General Session

58-77-102 Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act.
(2) "Client" means a woman and her fetus or newborn baby under the care of a direct-entry midwife.
(3) "Direct-entry midwife" means an individual who is engaging in the practice of direct-entry midwifery.
(4) "Licensed direct-entry midwife" means a person licensed under this chapter.
(5) "Low risk" means a labor and delivery and postpartum, newborn, and interconceptual care that does not include a condition that requires a mandatory transfer under administrative rules adopted by the division.
(6) "Physician" means an individual licensed as a physician and surgeon, osteopathic physician, or naturopathic physician.
(7) "Practice of direct-entry midwifery" means the practice of providing the necessary supervision, care, and advice to a client during essentially normal pregnancy, labor, delivery, postpartum, and newborn periods that is consistent with national professional midwifery standards and that is based upon the acquisition of clinical skills necessary for the care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum, newborn, and limited interconceptual care, and includes:
(a) obtaining an informed consent to provide services;
(b) obtaining a health history, including a physical examination;
(c) developing a plan of care for a client;
(d) evaluating the results of client care;
(e) consulting and collaborating with and referring and transferring care to licensed health care professionals, as is appropriate, regarding the care of a client;
(f) obtaining medications, as specified in this Subsection (7)(f), to administer to a client, including:

(i) prescription vitamins;
(ii) Rho D immunoglobulin;
(iii) sterile water;
(iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a client's blood loss;
(v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the licensed direct-entry midwife must initiate transfer if a client's condition does not immediately improve;
(vi) oxygen;
(vii) local anesthetics without epinephrine used in accordance with Subsection (7)(l);
(viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
(ix) as required by law, eye prophylaxis to prevent opthalmia neonatorum; and
(x) any other medication approved by a licensed health care provider with authority to prescribe that medication;

(g) obtaining food, food extracts, dietary supplements, as defined by the federal Food, Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as prescription drugs or controlled substances, and over-the-counter medications to administer to clients;

(h) obtaining and using appropriate equipment and devices such as a Doppler, a blood pressure cuff, phlebotomy supplies, instruments, and sutures;

(i) obtaining appropriate screening and testing, including laboratory tests, urinalysis, and ultrasound scans;

(j) managing the antepartum period;

(k) managing the intrapartum period, including:
(i) monitoring and evaluating the condition of a mother and a fetus;
(ii) performing an emergency episiotomy; and
(iii) delivering a baby in any out-of-hospital setting;

(l) managing the postpartum period, including the suturing of an episiotomy and the suturing of first and second degree natural perineal and labial lacerations, including the administration of a local anesthetic;

(m) managing the newborn period, including:
(i) providing care for a newborn baby, including performing a normal newborn baby examination; and
(ii) resuscitating a newborn baby;

(n) providing limited interconceptual services in order to provide continuity of care, including:
(i) breastfeeding support and counseling;
(ii) family planning, limited to natural family planning, cervical caps, and diaphragms; and
(iii) pap smears, where each client with an abnormal result is to be referred to an appropriate licensed health care provider; and

(o) executing the orders of a licensed health care professional, if the orders are within the education, knowledge, and skill of the direct-entry midwife.

(8) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-77-501.

(9) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-77-502 and as may be further defined by rule.

Amended by Chapter 249, 2023 General Session

Part 3
Licensure

58-77-301 Licensure.

The division shall issue to a person who qualifies under this chapter a license as a licensed direct-entry midwife.

Enacted by Chapter 299, 2005 General Session

58-77-302 Qualifications for licensure.

Each applicant for licensure as a licensed direct-entry midwife shall:

(1) submit an application in a form prescribed by the division;
(2) pay a fee as determined by the department under Section 63J-1-504;
(3) hold a Certified Professional Midwife certificate in good standing with the North American Registry of Midwives or equivalent certification approved by the division;
(4) hold current adult and infant CPR and newborn resuscitation certifications through an organization approved by the division; and
(5) provide documentation of successful completion of an approved pharmacology course as defined by division rule.

Amended by Chapter 249, 2023 General Session

58-77-303 Term of license -- Expiration -- Renewal.

(1)
  (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
  (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
(2) Each license automatically expires on the expiration date shown on the license unless the individual renews it in accordance with Section 58-1-308.
(3) At the time of renewal, the licensed direct-entry midwife shall be in current compliance with the requirements of Section 58-77-302.

Enacted by Chapter 299, 2005 General Session

58-77-304 Parents' rights.

Nothing in this chapter abridges, limits, or changes in any way the right of parents to deliver their baby where, when, how, and with whom they choose, regardless of licensure under this chapter.

Enacted by Chapter 299, 2005 General Session

Part 4
Licensure Denial and Discipline

58-77-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew a license, for revoking, suspending, restricting, or placing on probation a license, for issuing a public or private reprimand, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 299, 2005 General Session

Part 5
Unlawful and Unprofessional Conduct - Penalties

58-77-501 Unlawful conduct.

(1) In addition to the conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is unlawful conduct for an individual who is not licensed under this chapter to:
  (a) represent or hold out that the individual is a licensed direct-entry midwife;
  (b) administer a prescription medication, except oxygen, in the practice of direct-entry midwifery;
  (c) before engaging in the practice of midwifery with a client, fail to obtain from the client an informed consent statement that includes the following:
    (i) a description of the individual's midwifery education, training, continuing education, and experience;
    (ii) a statement that the individual is not licensed by the state as a direct-entry midwife;
    (iii) a statement that it is unlawful for the individual to administer to the client a prescription medication, except oxygen, in the practice of direct-entry midwifery;
    (iv) a written plan to address medical issues the client may experience during pregnancy, labor, or childbirth, which plan shall address transfer of the client to a licensed health care provider or facility, if necessary;
    (v) the name and signature of the individual;
    (vi) the name and signature of the client;
    (vii) the date the individual signed the statement; and
    (viii) the date the client signed the statement; or
  (d) fail to retain for at least 4 years a signed statement from a client described by Subsection (1)(c).

(2)
  (a) Except for conduct that constitutes unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the state without being licensed under this chapter.
  (b) The practice of direct-entry midwifery is not considered the practice of medicine, nursing, or nurse-midwifery.

Amended by Chapter 107, 2016 General Session

58-77-502 Unprofessional conduct.

In addition to the definition in Subsection 58-1-501(2), "unprofessional conduct" includes:
(1) failing to obtain informed consent as described in Subsection 58-77-601(1);
(2) disregarding a client's dignity or right to privacy as to her person, condition, possessions, or medical record;
(3) failing to file or record any medical report as required by law, impeding, or obstructing the filing or recording of the report, or inducing another to fail to file or record the report;

(4) breaching a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a client, unless ordered by the court;
(5) inappropriately delegating direct-entry midwifery duties;
(6) using advertising or an identification statement that is false, misleading, or deceptive;
(7) using in combination with the term "midwife" the term "nurse" or another title, initial, or designation that falsely implies that the direct-entry midwife is licensed as a certified nurse midwife, registered nurse, or licensed practical nurse; and
(8) submitting a birth certificate known by the person to be false or fraudulent.

Enacted by Chapter 299, 2005 General Session

58-77-503 Penalty for unlawful conduct.

A person who violates the unlawful conduct provisions defined in this chapter is guilty of a class A misdemeanor.

Enacted by Chapter 299, 2005 General Session

Part 6
Standards of Practice

58-77-601 Standards of practice.

(1)
(a) Prior to providing any services, a licensed direct-entry midwife must obtain an informed consent from a client.
(b) The consent must include:
(i) the name and license number of the direct-entry midwife;
(ii) the client's name, address, telephone number, and primary care provider, if the client has one;
(iii) the fact, if true, that the licensed direct-entry midwife is not a certified nurse midwife or a physician;
(iv) a description of the licensed direct-entry midwife's education, training, continuing education, and experience in midwifery;
(v) a description of the licensed direct-entry midwife's peer review process;
(vi) the licensed direct-entry midwife's philosophy of practice;
(vii) a promise to provide the client, upon request, separate documents describing the rules governing licensed direct-entry midwifery practice, including a list of conditions indicating the need for consultation, collaboration, referral, transfer or mandatory transfer, and the licensed direct-entry midwife's personal written practice guidelines;
(viii) a medical back-up or transfer plan;
(ix) a description of the services provided to the client by the licensed direct-entry midwife;
(x) the licensed direct-entry midwife's current legal status;
(xi) the availability of a grievance process;
(xii) client and licensed direct-entry midwife signatures and the date of signing; and
(xiii) whether the licensed direct-entry midwife is covered by a professional liability insurance policy.
(2) A licensed direct-entry midwife shall:

(a)
(i) limit the licensed direct-entry midwife's practice to a normal pregnancy, labor, postpartum, newborn and interconceptual care, which for purposes of this section means a normal labor:
(A) that is not pharmacologically induced;
(B) that is low risk at the start of labor;
(C) that remains low risk through out the course of labor and delivery;
(D) in which the infant is born spontaneously in the vertex position between 37 and 43 completed weeks of pregnancy; and
(E) except as provided in Subsection (2)(a)(ii), in which after delivery, the mother and infant remain low risk; and
(ii) the limitation of Subsection (2)(a)(i) does not prohibit a licensed direct-entry midwife from delivering an infant when there is:
(A) intrauterine fetal demise; or
(B) a fetal anomaly incompatible with life; and
(b) appropriately recommend and facilitate consultation with, collaboration with, referral to, or transfer or mandatory transfer of care to a licensed health care professional when the circumstances require that action in accordance with this section and standards established by division rule.
(3) If after a client has been informed that she has or may have a condition indicating the need for medical consultation, collaboration, referral, or transfer and the client chooses to decline, then the licensed direct-entry midwife shall:
(a) terminate care in accordance with procedures established by division rule; or
(b) continue to provide care for the client if the client signs a waiver of medical consultation, collaboration, referral, or transfer.
(4) If after a client has been informed that she has or may have a condition indicating the need for mandatory transfer, the licensed direct-entry midwife shall, in accordance with procedures established by division rule, terminate the care or initiate transfer by:
(a) calling 911 and reporting the need for immediate transfer;
(b) immediately transporting the client by private vehicle to the receiving provider; or
(c) contacting the physician to whom the client will be transferred and following that physician's orders.
(5) The standards for consultation and transfer are the minimum standards that a licensed direct-entry midwife must follow. A licensed direct-entry midwife shall initiate consultation, collaboration, referral, or transfer of a patient sooner than required by administrative rule if in the opinion and experience of the licensed direct-entry midwife, the condition of the client or infant warrant a consultation, collaboration, referral, or transfer.
(6) This chapter does not mandate health insurance coverage for midwifery services.

Amended by Chapter 238, 2016 General Session

58-77-602 Immunity and liability.
(1) If a direct-entry midwife seeks to consult with, refer, or transfer a client to a licensed health care provider or facility, the responsibility of the provider or facility for the client does not begin until the client is physically within the care of the provider or facility.
(2) A licensed health care provider who examines a direct-entry midwife's client is only liable for the actual examination and cannot be held accountable for the client's decision to pursue an out-of-hospital birth or the services of a direct-entry midwife.
(3)

(a) A licensed health care provider may, upon receiving a briefing data from a direct-entry midwife, issue a medical order for the direct-entry midwife's client, without that client being an explicit patient of the provider.
(b) Regardless of the advice given or order issued, the responsibility and liability for caring for the client is that of the direct-entry midwife.
(c) The provider giving the order is responsible and liable only for the appropriateness of the order given the data received.
(d) The issuing of an order for a direct-entry midwife's client does not constitute a delegation of duties from the other provider to the direct-entry midwife.
(4) A licensed health care provider may not be held civilly liable for rendering emergency medical services that arise from prohibited conduct in Section 58-77-603, or from care rendered under a waiver as specified in Subsection 58-77-601(3)(b), unless the emergency medical services constitute gross negligence or reckless disregard for the client.
(5) A licensed direct-entry midwife shall be solely responsible for the use of medications under this chapter.

Enacted by Chapter 299, 2005 General Session

58-77-603 Prohibited practices.

A direct-entry midwife may not:
(1) administer a prescription drug to a client in a manner that violates this chapter;
(2) effect any type of surgical delivery except for the cutting of an emergency episiotomy;
(3) administer any type of epidural, spinal, or caudal anesthetic, or any type of narcotic analgesia;
(4) use forceps or a vacuum extractor;
(5) manually remove the placenta, except in an emergency that presents an immediate threat to the life of the client; or
(6) perform or induce an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the direct-entry midwife is found guilty of a crime in connection with the violation.

Amended by Chapter 301, 2023 General Session

Chapter 80a
Medical Language Interpreter Act

Part 1
General Provisions

58-80a-101 Title.

This chapter is known as the "Medical Language Interpreter Act."

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-102 Definitions.

As used in this chapter:

(1) "Certified medical language interpreter" means a medical language interpreter who has received a certificate from the division under this chapter.
(2) "Health care provider" means a person licensed under:
(a) Title 58, Chapter 5a, Podiatric Physician Licensing Act;
(b) Title 58, Chapter 16a, Utah Optometry Practice Act;
(c) Title 58, Chapter 17b, Pharmacy Practice Act;
(d) Title 58, Chapter 24b, Physical Therapy Practice Act;
(e) Title 58, Chapter 31b, Nurse Practice Act;
(f) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;
(g) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;
(h) Title 58, Chapter 44a, Nurse Midwife Practice Act;
(i) Title 58, Chapter 57, Respiratory Care Practices Act;
(j) Title 58, Chapter 60, Mental Health Professional Practice Act;
(k) Title 58, Chapter 61, Psychologist Licensing Act;
(l) Title 58, Chapter 67, Utah Medical Practice Act;
(m) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
(n) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
(o) Title 58, Chapter 70a, Utah Physician Assistant Act;
(p) Title 58, Chapter 71, Naturopathic Physician Practice Act;
(q) Title 58, Chapter 73, Chiropractic Physician Practice Act; or
(r) Title 58, Chapter 77, Direct-Entry Midwife Act.
(3) "Medical language interpreter" means a person who, for compensation, performs verbal language interpretation services between a health care provider who speaks English and another person for the purpose of assisting the person in seeking or obtaining medical advice, diagnoses, or treatment.
(4) "National certification organization" means one of the following national organizations that certifies medical interpreters:
(a) the National Board of Certification for Medical Interpreters; or
(b) the Certification Commission for Healthcare Interpreters.
(5) "National standards of practice" means the National Standards of Practice, published by the National Council on Interpreting in Health Care.

Amended by Chapter 136, 2019 General Session

Part 2
Board

58-80a-201 Certified Medical Language Interpreter Advisory Board.

The division shall notify the Health and Human Services Interim Committee if it determines that there is a need to create, by statute, a Certified Medical Language Interpreter Advisory Board.

Enacted by Chapter 127, 2010 General Session

Part 3
Certification

58-80a-301 Certification.

(1) The division shall issue to a person who qualifies under this chapter a certificate as a certified medical language interpreter.
(2) A certificate described in Subsection (1) shall specify the language that the person is certified for.
(3) This chapter prohibits a person from representing or holding oneself out as a certified medical language interpreter if the person does not have a certificate described in Subsection (1).

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-302 Certification is voluntary.

(1) The certification provided under this chapter is voluntary.
(2) This chapter does not prohibit a person from acting as a medical language interpreter, if the person does not have a certificate described in Subsection 58-80a-301(1).

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-303 Qualifications for certification.

(1) An individual qualifies as a tier 1 certified medical language interpreter if the individual:
  (a) acts as a medical language interpreter between English and at least one other language;
  (b) passes an oral and written examination:
    (i) administered by:
      (A) the division;
      (B) a person under contract with the division;
      (C) a national certification organization; or
      (D) a person approved by the division by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    (ii) that tests:
      (A) basic language fluency with respect to the language for which the individual applies for certification;
      (B) basic medical terminology with respect to the language for which the individual applies for certification, including the ability to name human body parts, name internal human organs, describe basic medical symptoms, and describe basic medical instructions, including dosage amounts and frequency;
      (C) basic cultural competency relating to medical care beliefs and practices that are common to people who speak the language for which the individual applies for certification;
      (D) knowledge and understanding of the national standards of practice; and
      (E) a basic understanding of medical confidentiality requirements, including the confidentiality requirements of the federal Health Insurance Portability and Accountability Act;
  (c) signs a statement agreeing to abide by the national standards of practice; and
  (d) pays the fee described in Section 58-80a-305.
(2) If an oral examination under Subsection (1)(b) is not available in the language for which an individual applies for certification, the individual may qualify as a tier 2 certified medical language interpreter if the individual passes the written portion of an examination under Subsection (1)(b) and completes all other requirements under Subsection (1).

Amended by Chapter 305, 2017 General Session

58-80a-304 Term of certification -- Expiration -- Renewal.

(1) Notwithstanding Section 58-1-308, the division shall issue each certification under this chapter in accordance with a three-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as two years to stagger the renewal cycles that the division administers.

(2) Each certification automatically expires on the expiration date shown on the certification unless the certified medical language interpreter renews the certification in accordance with Section 58-1-308.

Amended by Chapter 305, 2017 General Session

58-80a-305 Fees -- Rulemaking authority.

(1) The division may charge a fee, established under Section 63J-1-504, to recover the costs of:
  (a) administering the examination described in Section 58-80a-303; and
  (b) issuing the certificate described in Subsection 58-80a-301(1).

(2) The division may make rules, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to accomplish the requirements of this chapter.

Renumbered and Amended by Chapter 127, 2010 General Session

Part 4
Certification Denial and Discipline

58-80a-401 Grounds for denial of certification -- Disciplinary proceedings.

Grounds for refusing to issue a certification to an applicant, for refusing to renew the certification of a certified medical language interpreter, for revoking, suspending, restricting, or placing on probation the certification of a certified medical language interpreter, for issuing a public or private reprimand to a certified medical language interpreter, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 127, 2010 General Session

Part 5
Unlawful and Unprofessional Conduct

58-80a-501 Unlawful conduct.

In addition to the definition in Subsection 58-1-501(1), "unlawful conduct" includes representing or holding oneself out as a certified medical language interpreter when not certified under this chapter.

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-502 Penalty for unlawful conduct.

A person who violates the unlawful conduct provisions described in Section 58-80a-501 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 127, 2010 General Session

58-80a-503 Unprofessional conduct.

"Unprofessional conduct" includes:

(1) conduct which is detrimental to the interests of the public;

(2) willful or negligent betrayal or disclosure of confidential information about which the certified medical language interpreter becomes knowledgeable as a result of or incidental to the certified medical language interpreter's practice as a certified medical language interpreter;

(3) false or deceptive representation of a certified medical language interpreter's skills, competence, capability, or resources as a certified medical language interpreter;

(4) offering, undertaking, or agreeing to undertake an assignment as a certified medical language interpreter for which the certified medical language interpreter is not qualified or which the certified medical language interpreter cannot complete as agreed in a professional manner;

(5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner which negatively affects the ability of the certified medical language interpreter to competently practice as a certified medical language interpreter;

(6) willfully and intentionally making any false or fraudulent interpretation, statement, or representation in the performance of the certified medical language interpreter's duties;

(7) any conduct contrary to the recognized standards and ethics of the profession of a certified medical language interpreter;

(8) gross incompetence in practice as a certified medical language interpreter;

(9) violation of any provision of this chapter or rules promulgated to regulate the practice of certified medical language interpreters; or

(10) conviction of a felony or any other crime which is considered by the division to represent activity detrimental to the public interest as that interest is reflected in the person continuing to practice as a certified medical language interpreter.

Enacted by Chapter 127, 2010 General Session

Part 6
Miscellaneous

58-80a-601 Priority for certified medical language interpreter.

The Department of Health and Human Services may give priority to contracting with companies that use certified medical language interpreters.

Amended by Chapter 329, 2023 General Session

Chapter 81
Retired Volunteer Health Care Practitioner Act

58-81-101 Title.

This chapter is known as the "Retired Volunteer Health Care Practitioner Act."

Enacted by Chapter 263, 2009 General Session

58-81-102 Definitions.

For purposes of this chapter:

(1) "Board" means the state licensing board created for each of the health care practitioners included in Subsection (2).

(2) "Health care practitioner" includes:

(a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;

(b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

(c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;

(d) a recreational therapist licensed under Chapter 40, Recreational Therapy Practice Act;

(e) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;

(f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;

(g) a mental health professional licensed under Chapter 60, Mental Health Professional Practice Act;

(h) a psychologist licensed under Chapter 61, Psychologist Licensing Act;

(i) a physician licensed under Chapter 67, Utah Medical Practice Act;

(j) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;

(k) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act;

(l) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;

(m) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act;

(n) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act; or

(o) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act.

(3) "Qualified location" means:

(a) a clinic, hospital, church, or organization whose primary purpose is to sponsor, promote, or organize uncompensated health care services for people unable to pay for health care services; and

(b) is a location approved by the division.

(4) "Remuneration or compensation" means the same as that term is defined in Section 58-13-3.

(5) "Supervising professional" means a health care practitioner:

(a) who has an active license in the state in good standing;

(b) with a scope of practice that is appropriate for supervising the applicant as determined by the division and board; and

(c) who is practicing at the qualified location.

(6) "Supervision" means:

(a) the level of supervision required for:

(i) a social service worker in Chapter 60, Mental Health Professional Practice Act;

(ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;

(iii) a recreational therapist technician in Chapter 40, Recreational Therapy Practice Act; and

(iv) an occupational technician assistant in Chapter 42a, Occupational Therapy Practice Act; and

(b) for the health care practitioners listed in Subsections (2)(a) through (m) and not included in Subsection (5)(a):

(i) entering into a delegation of service agreement with a supervising professional in accordance with Subsection 58-81-103(2);
(ii) having the ability to contact the supervising professional during the time the volunteer is providing volunteer services; and
(iii) for every 40 hours of volunteer service hours, meeting with the supervising professional.
(7) "Volunteer" means the individual health care practitioner:
(a) will devote the health care practitioner's practice exclusively to providing care to the needy and indigent in the state:
(i) within:
(A) the practitioner's scope of practice; and
(B) the delegation of service agreement between the volunteer and the supervising professional; and
(ii) at a qualified location;
(b) will agree to donate professional services in a qualified location; and
(c) will not receive remuneration or compensation for the health care practitioner's services.

Amended by Chapter 241, 2022 General Session

58-81-103 Eligibility for volunteer health care practitioner license -- Delegation of service agreement.
(1) A health care practitioner is eligible to apply to the division and board for a volunteer health care practitioner license if the health care practitioner:
(a) certifies to the division and board that the applicant will be engaged exclusively in volunteer health care services; and
(b) completes an application for a volunteer health care practitioner license, which includes documentation:
(i) of professional education, exams passed, and graduation;
(ii) of practice history;
(iii) of a qualified location for which the health care practitioner will be practicing;
(iv) identifying the supervising health care practitioner and the supervising health care practitioner's delegation of service agreement with the volunteer practitioner; and
(v) that the applicant has:
(A) previously been issued an unrestricted license to practice in Utah, another state of the United States, or a district or territory of the United States;
(B) never been the subject of any significant disciplinary action in any jurisdiction; and
(C) is in good health and does not have a condition which would impair the health care practitioner's ability to practice with reasonable skill and safety to patients.
(2) A health care provider who has agreed to be a supervising professional for a volunteer at a qualified location shall:
(a) enter into a delegation of service agreement with the volunteer health care practitioner;
(b) agree to provide the level of supervision required in Subsection 58-81-102(6);
(c) determine with the volunteer whether the volunteer's scope of practice or ability to prescribe controlled substances will be limited by the delegation of service agreement;
(d) include in the delegation of service agreement that the volunteer may not prescribe a controlled substance to the volunteer, the volunteer's family, or a staff member of the qualified location; and
(e) forward the delegation of service agreement to the division.

Amended by Chapter 64, 2026 General Session

58-81-104 Volunteer health care practitioner license -- Waiver of fees -- Rulemaking authority.

(1) The division and board shall issue a volunteer health care practitioner license to an applicant who:
  (a) completes an application under Section 58-81-103; and
  (b) meets the requirements of this chapter.
(2) A license issued under this chapter shall:
  (a) comply with the scope of practice for a similarly situated licensed practitioner, except that the license shall limit the health care practitioner's practice to the qualified location;
  (b) permit the health care practitioner to apply for a controlled substance license as permitted for other similarly situated licensed practitioners; and
  (c) state that the license is a volunteer health care practitioner license and is subject to the restriction of Subsection (2)(a).
(3) The division and board shall waive all division fees, including application fees, examination fees, and annual renewal fees for an applicant who applies for a volunteer health care practitioner license and who otherwise meets licensure requirements.
(4) The division and board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
  (a) approve the charity locations that qualify under Section 58-81-102;
  (b) develop standards for the information that must be included in a delegation of service agreement, including a standard form that a supervising professional may use; and
  (c) implement the provisions of this chapter.
(5) A health care practitioner who is licensed as a volunteer health care practitioner under this chapter is entitled to qualified immunity for charity care if the health care practitioner meets the requirements of Section 58-13-3.

Enacted by Chapter 263, 2009 General Session

58-81-105 Grounds for denial of license.

The division may not refuse, revoke, suspend, or in any way restrict the license of a health care practitioner, as defined in Subsections 58-81-102(2)(c), (g), (h), (i), (j), and (l), under this chapter solely because the health care practitioner seeks or participates in mental health or substance abuse treatment.

Enacted by Chapter 404, 2021 General Session

Chapter 84
State Certification of Music Therapists Act

Part 1
General Provisions

58-84-101 Title.

This chapter is known as the "State Certification of Music Therapists Act."

Enacted by Chapter 340, 2014 General Session

58-84-102 Definitions.

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

(1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

(2) "Practice of music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship.

(3) "State certification" means a designation granted by the division in collaboration with the board on behalf of the state to an individual who has met the requirements for state certification related to an occupation or profession described in this chapter.

(4) "State certified" means, when used in conjunction with an occupation or profession described in this chapter, a title that:

(a) may be used by a person who has met the state certification requirements related to that occupation or profession described in this chapter; and

(b) may not be used by a person who has not met the state certification requirements related to that occupation or profession described in this chapter.

Amended by Chapter 420, 2024 General Session

58-84-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 340, 2014 General Session

Part 2
State Certification

58-84-201 Qualifications for state certification.

(1) The division shall grant state certification to a person who qualifies under this chapter to engage in the practice of music therapy as a state certified music therapist.

(2) Each applicant for state certification as a state certified music therapist shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) provide satisfactory documentation that the applicant is board certified by, and in good standing with, the Certification Board for Music Therapists, or an equivalent board as determined by division rule in collaboration with the board.

Amended by Chapter 420, 2024 General Session

58-84-202 Term of state certification.

(1) The division shall grant state certification under this chapter in accordance with a two-year renewal cycle established by division rule.

(2) At the time of renewal, an applicant for renewal shall provide satisfactory documentation that the applicant is board certified by, and in good standing with, the Certification Board for Music Therapists, or an equivalent board as determined by division rule.
(3) If the board certification of a state certified music therapist required for obtaining or renewing state certification under this chapter is suspended, placed on probation, revoked, or has expired for any reason, the person:
(a) shall suspend using the title state certified music therapist in connection with the person's name or business;
(b) shall suspend representing to others that the person is a state certified music therapist; and
(c) shall inform the division within two weeks of the suspension, probation, revocation, or expiration of the board certification.
(4) When the division learns that the board certification of a state certified music therapist required for obtaining or renewing state certification under this chapter is suspended, placed on probation, revoked, or has expired for any reason, that person's state certification shall be revoked and may not be reinstated unless the person meets the requirements and again applies for state certification as described in Section 58-84-201.

Enacted by Chapter 340, 2014 General Session

58-84-203 Limitation of state certification.

Nothing in this chapter shall be construed to prevent a person from lawfully engaging in the practice of music therapy without state certification.

Enacted by Chapter 340, 2014 General Session

Part 3
Unlawful Conduct - Penalties

58-84-301 Unlawful conduct.

(1) It is unlawful for a person who is not a state certified music therapist to use the title state certified music therapist, or represent that the person is a state certified music therapist, in connection with the person's name or business.
(2) It is unlawful for a state certified person whose board certification is suspended, placed on probation, revoked, or has expired for any reason to use the title state certified music therapist, or represent that the person is a state certified music therapist, in connection with the person's name or business.

Enacted by Chapter 340, 2014 General Session

Chapter 85
Utah Right to Try Act

58-85-101 Title.

This chapter is known as the "Utah Right to Try Act."

Enacted by Chapter 110, 2015 General Session

58-85-102 Definitions.

As used in this chapter:

(1) "Eligible illness" means a condition of a patient that:
  (a) as determined by a physician, presents a substantial and severely debilitating or life-threatening risk to the patient; and
  (b) presents the patient, after the patient has explored conventional therapy options, with no treatment option that is satisfactory or comparable to treatment with an investigational drug or investigational device.
(2) "Eligible patient" means an individual who has been diagnosed with a terminal illness or eligible illness by a physician.
(3) "Insurer" means the same as that term is defined in Section 31A-1-301.
(4) "Investigational device" means a device that:
  (a) meets the definition of "investigational device" in 21 C.F.R. Sec. 812.3;
  (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an investigational device described in 21 C.F.R. Part 812; and
  (c) if used to treat an eligible illness, is currently undergoing an investigation, as defined in 21 C.F.R. Sec. 812.3, that complies with all applicable requirements for the investigation in accordance with 21 C.F.R. Part 812.
(5) "Investigational drug" means a drug that:
  (a) meets the definition of "investigational new drug" in 21 C.F.R. Sec. 312.3;
  (b) has successfully completed the United States Food and Drug Administration Phase 1 testing for an investigational new drug described in 21 C.F.R. Part 312; and
  (c) if used to treat an eligible illness, is currently undergoing a clinical investigation, as defined in 21 C.F.R. Sec. 312.3, that complies with all applicable requirements for the clinical investigation in accordance with 21 C.F.R. Part 312.
(6) "Medicinal dosage form" means:
  (a) a tablet;
  (b) a capsule;
  (c) a concentrated oil;
  (d) a liquid formulation;
  (e) a transdermal preparation; or
  (f) a sublingual preparation.
(7) "Physician" means an individual who is licensed under:
  (a) Title 58, Chapter 67, Utah Medical Practice Act; or
  (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
(8) "Terminal illness" means a condition of a patient that:
  (a)
    (i) as determined by a physician:
      (A) is likely to pose a greater risk to the patient than the risk posed to the patient by treatment with an investigational drug or investigational device; and
      (B) will inevitably lead to the patient's death; or
    (ii) as determined by a physician who is a board certified oncologist, is cancer; and
  (b) presents the patient, after the patient has explored conventional therapy options, with no treatment option that is satisfactory or comparable to treatment with an investigational drug or device.

Amended by Chapter 136, 2026 General Session

58-85-103 Right to request investigational drug or device.

(1) An eligible patient may obtain an investigational drug through an agreement with the investigational drug's manufacturer and the eligible patient's physician that provides:
  (a) for the transfer of the investigational drug from the manufacturer to the physician; and
  (b) that the physician will administer the investigational drug to the patient.
(2) An eligible patient may obtain an investigational device through an agreement with the investigational device's manufacturer and the eligible patient's physician that provides:
  (a) for the transfer of the investigational device from the manufacturer to the physician; and
  (b) that the physician will use the investigational device to treat the patient.
(3) An agreement described in Subsection (1) or (2), between an eligible patient, a physician, and a manufacturer, shall include an informed consent document that, based on the physician's knowledge of the relevant investigational drug or investigational device:
  (a) describes the possible positive and negative outcomes the eligible patient could experience if the physician treats the eligible patient with the investigational drug or investigational device, including that the investigational drug or investigational device could increase the possibility of death;
  (b) states that an insurer is not required to cover the cost of providing the investigational drug or investigational device to the patient;
  (c) states that, subject to Section 58-85-105, an insurer may deny coverage for the eligible patient; and
  (d) states that the patient may be liable for all expenses caused by the physician treating the patient with the investigational drug or investigational device, unless the agreement provides otherwise.
(4) A physician or an eligible patient shall notify the eligible patient's insurer of the day on which the physician treated an eligible patient with an investigational drug or investigational device, and the investigational drug or device used, under an agreement described in Subsection (1) or (2).

Enacted by Chapter 110, 2015 General Session

58-85-104 Standard of care -- Medical practitioners not liable -- No private right of action.

(1) It is not a breach of the applicable standard of care for a physician, other licensed health care provider, or hospital to treat an eligible patient with an investigational drug or investigational device under this chapter.
(2) A physician, other licensed health care provider, or hospital that treats an eligible patient with an investigational drug or investigational device under this chapter may not, for any harm done to the eligible patient by the investigational drug or device, be subject to:
  (a) civil liability;
  (b) criminal liability; or
  (c) licensure sanctions under:
    (i) for a physician:
      (A) Chapter 67, Utah Medical Practice Act; or
      (B) Chapter 68, Utah Osteopathic Medical Practice Act;
    (ii) for the other licensed health care provider, the act governing the other licensed health care provider's license; or
    (iii) for the hospital, Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

(3) This chapter does not:
(a) require a manufacturer of an investigational drug or investigational device to agree to make an investigational drug or investigational device available to an eligible patient or an eligible patient's physician;
(b) require a physician to agree to:
(i) administer an investigational drug to an eligible patient under this chapter; or
(ii) treat an eligible patient with an investigational device under this chapter; or
(c) create a private right of action for an eligible patient:
(i) against a physician or hospital, for the physician's or hospital's refusal to:
(A) administer an investigational drug to an eligible patient under this chapter; or
(B) treat an eligible patient with an investigational device under this chapter; or
(ii) against a manufacturer, for the manufacturer's refusal to provide an eligible patient with an investigational drug or an investigational device under this chapter.

Amended by Chapter 329, 2023 General Session

58-85-105 Insurance coverage.
(1) This chapter does not:
(a) require an insurer to cover the cost of:
(i) administering an investigational drug under this chapter; or
(ii) treating a patient with an investigational device under this chapter; or
(b) prohibit an insurer from covering the cost of:
(i) administering an investigational drug under this chapter; or
(ii) treating a patient with an investigational device under this chapter.
(2) Except as described in Subsection (3), an insurer may deny coverage to an eligible patient who is treated with an investigational drug or investigational device, for harm to the eligible patient caused by the investigational drug or investigational device.
(3) An insurer may not deny coverage to an eligible patient under Subsection (2) for:
(a) the eligible patient's preexisting condition;
(b) benefits that commenced before the day on which the eligible patient is treated with the investigational drug or investigational device; or
(c) palliative or hospice care for an eligible patient that has been treated with an investigational drug or device, but is no longer receiving curative treatment with the investigational drug or device.

Amended by Chapter 1, 2018 Special Session 3

58-85-106 Use of investigational drugs and devices during a major public health emergency -- Limitations -- Immunity.
(1) As used in this section:
(a) "Declared major public health emergency" means a state of emergency declared by the governor under Section 53-2a-206 as the result of a major public health emergency.
(b) "Health care provider" means the same as that term is defined in Section 78B-3-403.
(c) "Insurer" means the same as that term is defined in Section 31A-22-634.
(d) "Major public health emergency" means an occurrence of imminent threat of an illness or health condition that:
(i) is believed to be caused by:
(A) bioterrorism;

(B) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
(C) a natural disaster;
(D) a chemical attack or accidental release; or
(E) a nuclear attack or accident; and
(ii) poses a high probability of:
(A) a large number of deaths in the affected population;
(B) a large number of serious or long-term disabilities in the affected population; or
(C) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.
(e) "Physician" means the same as that term is defined in Section 58-67-102.
(f) "Qualified patient" means a patient who has been diagnosed with a condition that has resulted in a declared major public health emergency.
(2)
(a) To the extent permitted under federal law, a qualified patient may obtain an investigational drug through an agreement with the investigational drug's manufacturer and the qualified patient's physician that provides:
(i) for the transfer of the investigational drug from the manufacturer to the physician; and
(ii) that the physician will administer the investigational drug to the qualified patient.
(b) To the extent permitted under federal law, a qualified patient may obtain an investigational device through an agreement with the investigational device's manufacturer and the qualified patient's physician that provides:
(i) for the transfer of the investigational device from the manufacturer to the physician; and
(ii) that the physician will use the investigational device to treat the qualified patient.
(c) The agreement described in Subsection (2)(a) or (b) shall include an informed consent document that, based on the physician's knowledge of the relevant investigational drug or investigational device:
(i) describes the possible positive and negative outcomes the qualified patient could experience if the physician treats the qualified patient with the investigational drug or investigational device;
(ii) states that an insurer is not required to cover the cost of providing the investigational drug or investigational device to the qualified patient;
(iii) states that, subject to Subsection (5), an insurer may deny coverage for the qualified patient; and
(iv) states that the qualified patient may be liable for all expenses caused by the physician treating the patient with the investigational drug or investigational device, unless the agreement provides otherwise.
(3) The physician of a qualified patient shall notify the qualified patient's insurer of:
(a) the day on which the physician treated the qualified patient with an investigational drug or investigational device; and
(b) the investigational drug or investigational device used under an agreement described in Subsection (2).
(4)
(a) It is not a breach of the applicable standard of care for a health care provider to treat a qualified patient with an investigational drug or investigational device under this section.
(b) A health care provider that treats a qualified patient with an investigational drug or investigational device in accordance with this section is not subject to civil liability, criminal

liability, or sanctions against the health care provider's license for any harm to the qualified patient resulting from the qualified patient's use of the investigational drug or device.

(5)

(a) This section does not:

(i) require a manufacturer of an investigational drug or investigational device to agree to make an investigational drug or investigational device available to a qualified patient or a qualified patient's physician;

(ii) require a physician to agree to:

(A) administer an investigational drug to a qualified patient under this section; or

(B) treat a qualified patient with an investigational device under this section;

(iii) create a private right of action for a qualified patient against a health care provider for the health care provider's refusal to:

(A) administer an investigational drug to a qualified patient under this section; or

(B) treat a qualified patient with an investigational device under this section; or

(iv) create a private right of action for a qualified patient against a manufacturer for the manufacturer's refusal to provide a qualified patient with an investigational drug or an investigational device under this section.

(b) This section does not:

(i) require an insurer to cover the cost of:

(A) administering an investigational drug under this section; or

(B) treating a patient with an investigational device under this section; or

(ii) prohibit an insurer from covering the cost of:

(A) administering an investigational drug under this section; or

(B) treating a patient with an investigational device under this section.

(c) Except as described in Subsection (5)(d), an insurer may deny coverage to a qualified patient who is treated with an investigational drug or investigational device for harm to the qualified patient caused by the investigational drug or investigational device.

(d) An insurer may not deny coverage to a qualified patient under Subsection (5)(c) for:

(i) the qualified patient's preexisting condition;

(ii) benefits that commenced before the day on which the qualified patient was treated with the investigational drug or investigational device; or

(iii) palliative or hospice care for a qualified patient that has been treated with an investigational drug or investigational device but is no longer receiving curative treatment with the investigational drug or investigational device.

Enacted by Chapter 8, 2020 Special Session 3

58-85-107 Report.

(1) If a manufacturer of an investigational drug or investigational device provides an investigational drug or investigational device to a patient located in the state to treat an eligible illness, the manufacturer shall report the information described in Subsection (2) to the Health and Human Services Interim Committee before the November 1 that follows the day the drug or device was provided to the patient.

(2) The report shall include the following information:

(a) the number of patients that received an investigational drug or investigational device to treat an eligible illness;

(b) each eligible illness being treated;

(c) adverse outcomes likely attributable to the investigational drug or investigational device; and

(d) any other information the manufacturer determines relevant.
(3) Subsection (1) does not apply if the patient receiving the device or drug was part of an investigation conducted under 21 C.F.R. Part 812 or a clinical investigation conducted under 21 C.F.R. Part 312.

Enacted by Chapter 136, 2026 General Session

Chapter 86
State Certification of Commercial Interior Designers Act

Part 1
General Provisions

58-86-101 Title and scope.
(1) This chapter is known as the "State Certification of Commercial Interior Designers Act."
(2) Except for those practices specifically described in the definition of practice of commercial interior design in Section 58-86-102, this chapter does not require that a person obtain state certification as a state certified commercial interior designer to engage in an activity traditionally performed by an interior designer or other design professional.
(3) This chapter does not limit the scope of practice of a person licensed to practice:
(a) architecture under Title 58, Chapter 3a, Architects Licensing Act; or
(b) professional engineering under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

Enacted by Chapter 294, 2016 General Session

58-86-102 Definitions.
As used in this chapter:
(1) "Building" means an enclosed structure, including the structural, mechanical, and electrical systems, utility services, and other facilities the structure requires, that has human occupancy or habitation as the structure's principal purpose and is subject to the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
(2) "International Building Code" means the edition of the International Building Code, issued by the International Code Council, most recently adopted by the state in Section 15A-2-103.
(3)
(a) "Practice of commercial interior design" means, in relation to obtaining a building permit independent of an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, an interior space within a newly constructed or existing building when the core and shell structural elements are not going to be changed.
(b) "Practice of commercial interior design" only includes the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, a building for any occupancy classification in the International Building Code if the work is limited to non-structural, non-seismic, and non-load-bearing interior elements in accordance with this section.
(c) "Practice of commercial interior design" does not include:

(i) providing commercial construction documents, independent of a licensed architect, for a space that:
(A) is lacking base building life safety components installed or designed and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal exit passageways, disabled access, fire alarm systems, and base building fire suppression systems; or
(B) is undergoing a change of occupancy classification when a licensed architect or a licensed engineer is required in accordance with the International Building Code; or
(ii) making changes to or an addition of:
(A) a foundation, a beam, a truss, a column, or other primary structural framing member or seismic system;
(B) a structural concrete slab, a floor or roof framing structure, or a bearing or shear wall;
(C) an opening in the roof, a floor, an exterior wall, a bearing or shear wall;
(D) an exterior door, a window, an awning, a canopy, a sunshade, signage, or a similar exterior building element;
(E) as described in the International Building Code, life safety equipment, including a smoke, fire, or a carbon dioxide sensor or detector, or an overhead building element; or
(F) a piece of heating, ventilating, or air conditioning equipment or a heating, ventilating, or air conditioning distribution system, a building management system, a high or medium voltage electrical distribution system, a standby or emergency power system, plumbing, a fire alarm system, a fire sprinkler system, a security or monitoring system, or a related building system.
(4) "State certification" means a designation the division grants on behalf of the state to an individual who meets the requirements for an occupation or profession this chapter describes.
(5) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-86-301.

Amended by Chapter 233, 2026 General Session

58-86-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 294, 2016 General Session

Part 2
State Certification

58-86-201 State certification required.

(1) State certification is required to engage in the practice of commercial interior design except as specifically provided in Section 58-1-307 or 58-86-206.
(2) The division shall grant state certification to a person who qualifies under this chapter to engage in the practice of commercial interior design as a state certified commercial interior designer.

Enacted by Chapter 294, 2016 General Session

58-86-202 Qualifications for state certification.

Each applicant for state certification as a state certified commercial interior designer shall:

(1) submit an application in a form prescribed by the division;

(2) pay a fee determined by the department under Section 63J-1-504; and

(3) provide satisfactory evidence of having qualified to take and having passed the examination of the National Council for Interior Design Qualification, or an equivalent body as determined by division rule.

Amended by Chapter 339, 2020 General Session

58-86-203 Term of state certification -- Expiration -- Renewal.

(1)

(a) The division shall grant state certification under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, an applicant for renewal shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) provide satisfactory evidence of having completed the continuing education requirements described in Section 58-86-204.

Enacted by Chapter 294, 2016 General Session

58-86-204 Continuing education.

(1) As a condition for the renewal of state certification under this chapter, a state certified commercial interior designer, during each two-year state certification cycle, shall complete 20 hours of continuing education that is offered or approved by the Interior Design Continuing Education Council, or another entity as determined by division rule.

(2) At least 10 of the continuing education hours described in Subsection (1) shall primarily emphasize health and safety.

(3) If a renewal cycle is extended or shortened under Section 58-86-203, the continuing education hours required for renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 294, 2016 General Session

58-86-205 Grounds for denial of state certification -- Disciplinary proceedings.

Grounds for refusing to issue state certification to an applicant, for refusing to renew state certification to an applicant, for revoking, suspending, restricting, or placing on probation the state certification of an individual certified under this chapter, for issuing a public or private reprimand to an individual certified under this chapter, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 294, 2016 General Session

58-86-206 Exemptions from state certification.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated acts or practices without being a state certified commercial interior designer under this chapter:
(1) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act, practicing architecture or performing architecture acts or interior design;
(2) a person providing permit drawings, if allowed under Section 58-3a-304 or 58-22-305; and
(3) a person providing construction related documents not required for a building permit.

Enacted by Chapter 294, 2016 General Session

Part 3
Unlawful Conduct

58-86-301 Unlawful conduct.

"Unlawful conduct" includes:
(1)
(a) using the title state certified commercial interior designer, or representing that the individual is a state certified commercial interior designer if the individual is not a state certified commercial interior designer; or
(b) using any other name, title, or initials that would cause a reasonable person to believe the person is licensed under this chapter if the person is not properly licensed under this chapter; or
(2) engaging in the practice of commercial interior design unless exempted from licensure or state certification under Section 58-1-307 or 58-86-206.

Amended by Chapter 233, 2026 General Session

58-86-302 Penalty for unlawful conduct.

(1) If upon inspection or investigation the division concludes that a person has violated Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301, and that disciplinary action is appropriate, the director or the director's designee may:
(a) issue a citation to the person according to this chapter and any pertinent rules;
(b) attempt to negotiate a stipulated settlement; or
(c) notify the person to appear at an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(2) A person who violates Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this chapter and may, in addition to or in lieu of the fine, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301.
(3) A citation issued under this chapter shall:
(a) be in writing;
(b) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(c) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
(d) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
(4) The division may issue a notice in lieu of a citation.
(5) A citation issued under this section, or a copy of the citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made by mail or may be made personally or upon the person's agent by a division investigator or by a person specially designated by the director.
(6)
(a) If within 20 calendar days from the service of the citation the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
(b) The period to contest a citation may be extended by the division for cause.
(7) The division may refuse to issue or renew or may suspend, revoke, or place on probation the state certification of a state certified commercial interior designer who fails to comply with a citation after the citation becomes final.
(8) The failure of an applicant for state certification to comply with a citation after the citation becomes final is a ground for denial of state certification.
(9) No citation may be issued under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.
(10) The director or the director's designee shall assess fines according to the following:
(a) for a first offense handled pursuant to this section, a fine of up to $1,000;
(b) for a second offense handled pursuant to this section, a fine of up to $2,000; and
(c) for any subsequent offense handled pursuant to this section, a fine of up to $2,000 for each day of continued offense.
(11) An action initiated for a first or second offense that has not yet resulted in a final order of the division does not preclude initiation of a subsequent action for a second or subsequent offense during the pendency of a preceding action.
(12)
(a) A penalty that is not paid may be collected by the director by either referring the matter to a collection agency or by bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect the penalty.
(c) In an action brought to enforce the provisions of this section, reasonable attorney fees and costs shall be awarded to the division.

Amended by Chapter 339, 2020 General Session

Part 4
State Certification Number and Signature

58-86-401 State certification number and signature.

(1) The division shall provide each state certified commercial interior designer with a certificate number.
(2) A final plan or specification for the construction of a commercial interior design within a newly constructed or existing building that is prepared by or under the supervision of a state certified commercial interior designer shall bear the signature and the certificate number of the state certified commercial interior designer when submitted to a client or a building official for the purpose of obtaining a building permit.
(3) A state certified commercial interior designer may only include the designer's signature and certificate number on a final plan or specification that is within the scope of practice of commercial interior design and when the plan or specification:
  (a) is personally prepared by the certified interior designer;
  (b) is prepared by an employee, subordinate, associate, or drafter under the direct supervision of the state certified commercial interior designer and the state certified commercial interior designer assumes responsibility for the plan or specification; or
  (c) is prepared by another state certified commercial interior designer in the state or similarly qualified designer in another state provided that the state certified commercial interior designer attaching the designer's signature and certificate number:
    (i) performs a thorough review of all work for compliance with all applicable laws, rules, and standards of the profession; and
    (ii) makes any necessary corrections before submitting the final plan or specification:
      (A) to a building official for the purpose of obtaining a building permit; or
      (B) to a client, when the certified commercial interior designer represents, or can reasonably expect the client to consider, the plan or specification to be complete and final.

Enacted by Chapter 294, 2016 General Session

Chapter 87
Revised Uniform Athlete Agents Act

Part 1
General Provisions

58-87-101 Title.
This chapter is known as the "Revised Uniform Athlete Agents Act."

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-102 Definitions.
As used in this chapter:
(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional-sports-services contract or an endorsement contract.
(2)
  (a) "Athlete agent" means an individual, whether or not registered under this chapter, who:

(i) directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(ii) for compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(A) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(B) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

(iii) in anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(A) gives consideration to the student athlete or another person;

(B) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(C) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

(b) "Athlete agent" does not include an individual who:

(i) acts solely on behalf of a professional sports team or organization; or

(ii) is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(A) also recruits or solicits the athlete to enter into an agency contract;

(B) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(C) receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

(3) "Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(4) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

(5) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

(6) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

(7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

(8) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.

(9) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate

broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

(10) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(11) "Professional-sports-services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13)

(a) "Recruit or solicit" means attempting to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete.

(b) "Recruit or solicit" does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

(14) "Registration" means registration as an athlete agent under this chapter.

(15) "Sign" means, with present intent to authenticate or adopt a record:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic symbol, sound, or process.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17)

(a) "Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport.

(b) "Student athlete" does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-103 Administration -- Rulemaking -- Service of process.

(1)

(a) This chapter shall be administered by the division and is subject to the requirements of Chapter 1, Division of Professional Licensing Act, so long as the requirements of Chapter 1, Division of Professional Licensing Act, are not inconsistent with the requirements of this chapter.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules necessary to implement this chapter.

(2) By acting as an athlete agent in this state, a nonresident individual appoints the director of the division as the individual's agent for service of process in any civil action in this state related to the individual acting as an athlete agent in this state.

Amended by Chapter 415, 2022 General Session

Part 2
Registration of Athlete Agents

58-87-201 Athlete agents -- Registration required -- Void contracts.

(1) Except as otherwise provided in Subsection (2), an individual may not act as an athlete agent in this state without holding a certificate of registration under this chapter.

(2) Before being issued a certificate of registration under this chapter an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

(a) a student athlete or another person acting on behalf of the student athlete initiates communication with the individual; and

(b) no later than seven days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

(3) An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-202 Registration as an athlete agent -- Form -- Requirements.

(1) An applicant for registration shall submit an application for registration as an athlete agent to the division in a form the division approves. An application filed under this section is a public record under Title 63G, Chapter 2, Government Records Access and Management Act. The applicant shall be an individual, and the application shall be signed by the applicant under penalty of perjury. Except as otherwise provided in Subsections (2) and (3), the application shall contain at least the following:

(a) the name and date and place of birth of the applicant and the following contact information for the applicant:

(i) the address of the applicant's principal place of business;

(ii) work and mobile telephone numbers; and

(iii) any means of communicating electronically, including a facsimile number, email address, and personal and business or employer websites;

(b) the name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

(c) each social-media account with which the applicant or the applicant's business or employer is affiliated;

(d) each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;

(e) a description of the applicant's:

(i) formal training as an athlete agent;

(ii) practical experience as an athlete agent; and

(iii) educational background relating to the applicant's activities as an athlete agent;

(f) the name of each student athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the student athlete is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;

(g) the name and address of each person that:

(i) is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of 5% or greater of the athlete agent's business that is not a corporation; and

(ii) is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5% or greater in the corporation;

(h) a description of the status of any application by the applicant, or any person named under Subsection (1)(g), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

(i) whether the applicant, or any person named under Subsection (1)(g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, any crime that would be considered a felony in this state or any other crime that, when considered with the functions and duties of the profession, bears a substantial relationship to the applicant's ability to safely or competently perform as an athlete agent and, if so, identification of:

(i) the crime;

(ii) the law-enforcement agency involved; and

(iii) if applicable, the date of the conviction and the fine or penalty imposed;

(j) whether, within 15 years before the date of application, the applicant, or any person named under Subsection (1)(g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;

(k) whether the applicant, or any person named under Subsection (1)(g), has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

(l) whether, within 10 years before the date of application, the applicant, or any person named under Subsection (1)(g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) whether there has been any administrative or judicial determination that the applicant, or any person named under Subsection (1)(g), made a false, misleading, deceptive, or fraudulent representation;

(n) each instance in which conduct of the applicant, or any person named under Subsection (1)(g), resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution;

(o) each sanction, suspension, or disciplinary action taken against the applicant, or any person named under Subsection (1)(g), arising out of occupational or professional conduct;

(p) whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under Subsection (1)(g), as an athlete agent in any state;

(q) each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) if the applicant is certified or registered by a professional league or players association:

(i) the name of the league or association;

(ii) the date of certification or registration, and the date of expiration of the certification or registration, if any; and

(iii) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(s) any additional information the division requires.

(2) Instead of proceeding under Subsection (1), an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the division:

(a) a copy of the application for registration in the other state;

(b) a statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

(c) a copy of the certificate of registration from the other state.

(3) The division shall issue a certificate of registration to an individual who applies for registration under Subsection (2) if the division determines:

(a) the application and registration requirements of the other state are substantially similar to or more restrictive than this chapter; and

(b) the registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(4) For purposes of implementing Subsection (3), the division shall:

(a) cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter; and

(b) exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Amended by Chapter 64, 2026 General Session

58-87-203 Certificate of registration -- Issuance or denial -- Renewal.

(1) Except as otherwise provided in Subsection (2), the division shall issue a certificate of registration to an applicant for registration who complies with Subsection 58-87-202(1).

(2) The division may refuse to issue a certificate of registration to an applicant for registration under Subsection 58-87-202(1) if the division determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the division may consider whether the applicant has:

(a) pleaded guilty or no contest to, has been convicted of, or has charges pending for, any crime that would be considered a felony in this state or any other crime that, when considered with the functions and duties of the profession, bears a substantial relationship to the applicant's ability to safely or competently perform as an athlete agent;

(b) made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;

(c) engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) engaged in conduct Section 58-87-401 prohibits;

(e) had a registration as an athlete agent suspended, revoked, or denied in any state;

(f) been refused renewal of registration as an athlete agent in any state;

(g) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.
(3) In making a determination under Subsection (2), the division shall consider:
(a) how recently the conduct occurred;
(b) the nature of the conduct and the context in which the conduct occurred; and
(c) other relevant conduct of the applicant.
(4) An athlete agent registered under Subsection (1) may apply to renew the registration by submitting an application for renewal in a form the division approves. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.
(5) An athlete agent registered under Subsection 58-87-202(2) may renew the registration by proceeding under Subsection (4) or, if the registration in the other state has been renewed, by submitting to the division copies of the application for renewal in the other state and the renewed registration from the other state. The division shall renew the registration if the division determines:
(a) the registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
(b) the renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.
(6) A certificate of registration or a renewal of a registration is valid for two years.

Amended by Chapter 64, 2026 General Session

58-87-204 Suspension, revocation, or refusal to renew registration.
(1) The division may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Subsection 58-87-203(1) for conduct that would have justified refusal to issue a certificate of registration under Subsection 58-87-203(2).
(2) The division may suspend or revoke the registration of an individual registered under Subsection 58-87-202(2) or renewed under Subsection 58-87-203(5) for any reason for which the division could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under Subsection 58-87-203(2).

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-205 Temporary registration.
The division may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-206 Registration and renewal fees.
(1) An application for registration or renewal of registration shall be accompanied by a fee in an amount determined by the division in accordance with Section 63J-1-504.
(2) The division shall establish fees for:
(a) an initial application for registration;
(b) an application for registration based upon a certificate of registration or licensure issued by another state;
(c) an application for renewal of registration; and

(d) an application for renewal of registration based upon an application for renewal of registration submitted in another state.

Renumbered and Amended by Chapter 225, 2017 General Session

Part 3
Agency Contract Requirements

58-87-301 Required form of contract.

(1) An agency contract must be in a record signed by the parties.

(2) An agency contract must contain:

(a) a statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;

(b) the amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(c) the name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(d) a description of any expenses the athlete agrees to reimburse;

(e) a description of the services to be provided to the athlete;

(f) the duration of the contract; and

(g) the date of execution.

(3) Subject to Subsection (7), an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

(4) An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

(5) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(6) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by Subsection (4).
(7) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by Subsection (3) must be revised accordingly.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-302 Notice to educational institution.
(1) As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.
(2) Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.
(3) Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.
(4) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.
(5) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than ten days after the enrollment if the agent knows or should have known of the enrollment and:
  (a) the relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or
  (b) the agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.
(6) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:
  (a) the athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or
  (b) another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.
(7) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.
(8) An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the division and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-303 Student athlete's right to cancel.

(1) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.
(2) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.
(3) If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-304 Required records.

(1) An athlete agent shall create and retain for five years records of the following:
  (a) the name and address of each individual represented by the agent;
  (b) each agency contract entered into by the agent; and
  (c) the direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.
(2) Records described in Subsection (1) are open to inspection by the division during normal business hours.

Renumbered and Amended by Chapter 225, 2017 General Session

Part 4
Prohibited Conduct and Penalties

58-87-401 Prohibited conduct.

An athlete agent may not intentionally:

(1) give a student athlete or, if the athlete is a minor, a parent or guardian of the athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the athlete, parent, or guardian to enter into an agency contract;
(2) furnish anything of value to a student athlete or another individual, if to do so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless:
  (a) the agent notifies the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll, not later than 72 hours after giving the thing of value; and
  (b) the athlete or, if the athlete is a minor, a parent or guardian of the athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the athlete's eligibility to participate in the athlete's sport;
(3) initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to recruit or solicit the athlete, parent, or guardian to enter into an agency contract unless registered under this chapter;
(4) fail to create, retain, or permit inspection of the records required by Section 58-87-304;

(5) fail to register when required by Section 58-87-201;
(6) provide materially false or misleading information in an application for registration or renewal of registration;
(7) predate or postdate an agency contract;
(8) fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing may result in loss of the athlete's eligibility to participate in the athlete's sport;
(9) encourage another individual to do any of the acts described in Subsections (1) through (8) on behalf of the agent; or
(10) encourage another individual to assist any other individual in doing any of the acts described in Subsections (1) through (8) on behalf of the agent.

Amended by Chapter 246, 2020 General Session

58-87-402 Criminal penalties.

An athlete agent who violates Section 58-87-401 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-403 Civil remedies.

(1) An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of this chapter. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:
  (a) is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or
  (b) suffers financial damage.
(2) A plaintiff that prevails in an action under this section may recover damages, costs, and reasonable attorney fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.
(3) This chapter does not restrict rights, remedies, or defenses of any person under law or equity.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-404 Civil and administrative penalty.

(1) The division may assess a civil penalty against an athlete agent not to exceed $25,000 for a violation of this chapter.
(2) An administrative penalty collected under Subsection (1) shall be deposited into the Commerce Service Account created in Section 13-1-2.

Renumbered and Amended by Chapter 225, 2017 General Session

Part 5
Application and Construction

58-87-501 Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Renumbered and Amended by Chapter 225, 2017 General Session

58-87-502 Electronic Signatures in Global and National Commerce Act.

The provisions of this chapter modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but do not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

Renumbered and Amended by Chapter 225, 2017 General Session

Chapter 88
General Health Professions

Part 2
Dispensing Practice

58-88-201 Definitions.

As used in this part:

(1)

(a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a patient, including the packaging, labeling, and security necessary to prepare and safeguard the drug or device for supplying to a patient.

(b) "Dispense" does not include:

(i) prescribing or administering a drug or device; or

(ii) delivering to a patient a sample packaged for individual use by a licensed manufacturer or re-packager of a drug or device.

(2) "Dispensing practitioner" means an individual who:

(a) is currently licensed as:

(i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

(ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical Practice Act;

(iii) an advanced practice registered nurse under Subsections 58-31b-301(2)(a) through (b);

(iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

(v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act; or

(vi) an optometrist under Chapter 16a, Utah Optometry Practice Act;

(b) is authorized by state law to prescribe and administer drugs in the course of professional practice; and

(c) practices at a licensed dispensing practice.

(3) "Drug" means the same as that term is defined in Section 58-17b-102.
(4) "Health care practice" means:
(a) a health care facility as defined in Section 26B-2-201; or
(b) the offices of one or more private prescribers, whether for individual or group practice.
(5) "Licensed dispensing practice" means a health care practice that is licensed as a dispensing practice under Section 58-88-202.

Amended by Chapter 64, 2026 General Session

58-88-202 Dispensing practice -- Drugs that may be dispensed -- Limitations and exceptions.
(1) Notwithstanding Section 58-17b-302, a dispensing practitioner may dispense a drug at a licensed dispensing practice if the drug is:
(a) packaged in a fixed quantity per package by:
(i) the drug manufacturer;
(ii) a pharmaceutical wholesaler or distributor; or
(iii) a pharmacy licensed under Chapter 17b, Pharmacy Practice Act;
(b) dispensed:
(i) at a licensed dispensing practice at which the dispensing practitioner regularly practices; and
(ii) under a prescription issued by the dispensing practitioner to the dispensing practitioner's patient;
(c) except as provided in Subsection (6), for a condition that is not expected to last longer than 30 days; and
(d) for a condition for which the patient has been evaluated by the dispensing practitioner on the same day on which the dispensing practitioner dispenses the drug.
(2) A dispensing practitioner may not dispense:
(a) a controlled substance as defined in Section 58-37-101;
(b) a drug or class of drugs that is designated by the division under Subsection 58-88-205(2); or
(c) a supply of a drug under this part that exceeds a 30-day supply.
(3) A dispensing practitioner may not make a claim against workers' compensation or automobile insurance for a drug dispensed under this part for outpatient use unless the dispensing practitioner is contracted with a pharmacy network established by the claim payor.
(4) When a dispensing practitioner dispenses a drug to the patient under this part, a dispensing practitioner shall:
(a) disclose to the patient verbally and in writing that the patient is not required to fill the prescription through the licensed dispensing practice and that the patient has a right to fill the prescription through a pharmacy; and
(b) if the patient will be responsible to pay cash for the drug, disclose:
(i) that the patient will be responsible to pay cash for the drug; and
(ii) the amount that the patient will be charged by the licensed dispensing practice for the drug.
(5) This part does not:
(a) require a dispensing practitioner to dispense a drug under this part;
(b) limit a health care prescriber from dispensing under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy; or
(c) apply to a physician who dispenses:
(i) a drug sample, as defined in Section 58-17b-102, to a patient in accordance with Section 58-1-501.3 or Section 58-17b-610; or

(ii) a drug in an emergency situation as defined by the division in rule under Chapter 17b, Pharmacy Practice Act.

(6) A dispensing practitioner that is a dentist may dispense prescription fluoride medication regardless of whether the condition the fluoride is treating will last longer than 30 days.

Amended by Chapter 362, 2026 General Session

58-88-203 Application for licensure as a licensed dispensing practice -- Requirements -- Notification -- Dispensing.

(1) An applicant for licensure as a dispensing practice shall:

(a) submit a written application in the form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504; and

(c) provide any additional information required by the division by rule.

(2)

(a) A dispensing practice shall designate at least one responsible dispensing practitioner who is responsible for all activities of the licensed dispensing practice related to the dispensing of drugs under this part.

(b) A responsible dispensing practitioner for the licensed dispensing practice shall:

(i) be currently licensed to prescribe and administer drugs in the course of professional practice;

(ii) practice at the licensed dispensing practice;

(iii) accept responsibility for the operation of the licensed dispensing practice related to the dispensing of drugs under this part and in accordance with all laws and rules relating to the dispensing of drugs at the licensed dispensing practice; and

(iv) be personally in full and actual charge of the operation of the licensed dispensing practice related to the dispensing of drugs under this part.

(c) Whenever an applicable statute or rule requires or prohibits action by a licensed dispensing practice, the responsible dispensing practitioner or practitioners and the owner of the licensed dispensing practice shall be responsible for all activities of the licensed dispensing practice, regardless of the form of the business or entity.

(3)

(a) Each license issued under this section shall be issued for a single, specific address, and is not transferable or assignable.

(b) Each license issued under this section shall be issued in accordance with a two-year renewal cycle established by the division by rule.

(c) The division may extend or shorten a renewal period for a period of up to one year to maintain established renewal cycles or to change an established renewal cycle.

(d) Each license automatically expires on the expiration date shown on the license unless the license is renewed by the licensee in accordance with Section 58-1-308.

(4)

(a) A licensed dispensing practice shall report in writing to the division not later than 10 business days before the date of:

(i) a permanent closure of the licensed dispensing practice;

(ii) a change of name or ownership of the licensed dispensing practice;

(iii) a change of location of the licensed dispensing practice; and

(iv) any matter or occurrence that the division requires by rule to be reported.

(b) As defined by the division by rule, a licensed dispensing practice shall report in writing to the division:

(i) theft of a drug, immediately after the licensed dispensing practice is aware that theft has occurred; and
(ii) a disaster, accident, or emergency that may affect the purity or labeling of a drug, medication, device, or other material used in the diagnosis or treatment of injury, illness, or disease immediately upon the occurrence of the disaster, accident, or emergency.
(c) A reporting licensed dispensing practice shall maintain a copy of any notification required by this Subsection (4) for two years and make a copy of the notification available to the division for inspection at the division's request.

Enacted by Chapter 353, 2022 General Session

58-88-204 Administrative inspections of a dispensing practice -- Penalties.
(1) The division shall conduct audits and inspections of licensed dispensing practices in accordance with standards the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) Penalties for a violation of this part, including fines and citations, shall be issued by the division under:
(a) Section 58-1-502; and
(b) the dispensing practitioner's respective licensing chapter.

Amended by Chapter 64, 2026 General Session

58-88-205 Operating standards -- Rulemaking.
(1) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the operating standards for a licensed dispensing practice licensed under this part which shall include, but is not limited to, standards for:
(a) security;
(b) labeling;
(c) storage;
(d) supervision;
(e) inventory control; and
(f) patient counseling.
(2) The division may designate individual medications and classes of medications that may not be dispensed at a licensed dispensing practice under this chapter.
(3) When making rules under this part, the division shall consult with a group consisting of:
(a) two members of the Medical Licensing Board created in Section 58-67-201; and
(b) two members of the Utah State Board of Pharmacy created in Section 58-17b-201.

Amended by Chapter 507, 2024 General Session

Chapter 89
Dietitian Licensure Compact

Part 1
General Provisions

58-89-101 Purpose.

(1) The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services. This Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure, while also providing for licensure portability through a Compact Privilege granted to qualifying professionals.

(2) This Compact is designed to achieve the following objectives:

(a) Increase public access to dietetics services;

(b) Provide opportunities for interstate practice by Licensed Dietitians who meet uniform requirements;

(c) Eliminate the necessity for Licenses in multiple States;

(d) Reduce administrative burden on Member States and Licensees;

(e) Enhance the States' ability to protect the public's health and safety;

(f) Encourage the cooperation of Member States in regulating multistate practice of Licensed Dietitians;

(g) Support relocating Active Military Members and their spouses;

(h) Enhance the exchange of licensure, investigative, and disciplinary information among Member States; and

(i) Vest all Member States with the authority to hold a Licensed Dietitian accountable for meeting all State practice laws in the State in which the patient is located at the time care is rendered.

Enacted by Chapter 489, 2025 General Session

58-89-102 Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(1) "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.

(2) "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve.

(3) "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Licensee, including actions against an individual's License or Compact Privilege such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's authorization to practice, including issuance of a cease and desist action.

(4) "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority.

(5) "Charter Member State" means any Member State which enacted this Compact by law before the Effective Date specified in Section 58-89-112.

(6) "Continuing Education" means a requirement, as a condition of License renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

(7) "CDR" means the Commission on Dietetic Registration or its successor organization.

(8) "Compact Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 58-89-108, and which shall operate as an instrumentality of the Member States.

(9) "Compact Privilege" means a legal authorization, which is equivalent to a License, permitting the Practice of Dietetics in a Remote State.
(10) "Current Significant Investigative Information" means:
(a) Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
(b) Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond.
(11) "Data System" means a repository of information about Licensees, including, but not limited to, Continuing Education, examination, licensure, investigative, Compact Privilege and Adverse Action information.
(12) "Encumbered License" means a License in which an Adverse Action restricts a Licensee's ability to practice dietetics.
(13) "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.
(14) "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact, and the Compact Commission.
(15) "Home State" means the Member State that is the Licensee's primary State of residence or that has been designated pursuant to Section 58-89-106.
(16) "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation.
(17) "Jurisprudence Requirement" means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Dietetics in such State.
(18) "License" means an authorization from a Member State to either:
(a) Engage in the Practice of Dietetics (including medical nutrition therapy); or
(b) Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially similar practitioner as the Compact Commission may further define by Rule.
(19) "Licensee" or "Licensed Dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 58-89-104.
(20) "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of the Practice of Dietetics.
(21) "Member State" means a State that has enacted the Compact.
(22) "Practice of Dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.
(23) "Registered Dietitian" means a person who:
(a) Has completed applicable education, experience, examination, and recertification requirements approved by CDR;
(b) Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
(c) Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."
(24) "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise a Compact Privilege.
(25) "Rule" means a regulation promulgated by the Compact Commission that has the force of law.

(26) "Single State License" means a License issued by a Member State within the issuing State and does not include a Compact Privilege in any other Member State.
(27) "State" means any state, commonwealth, district, or territory of the United States of America.
(28) "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted Practice of Dietetics.

Enacted by Chapter 489, 2025 General Session

58-89-103 State participation in the compact.

(1) To participate in the Compact, a State must currently:
  (a) License and regulate the Practice of Dietetics; and
  (b) Have a mechanism in place for receiving and investigating complaints about Licensees.
(2) A Member State shall:
  (a) Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;
  (b) Notify the Compact Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;
  (c) Implement or utilize procedures for considering the criminal history record information of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
    (i) A Member State must fully implement a criminal history record information requirement, within a time frame established by Rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining Compact Privilege eligibility.
    (ii) Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for a Compact Privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a Member State.
  (d) Comply with and enforce the Rules of the Compact Commission;
  (e) Require an applicant for a Compact Privilege to obtain or retain a License in the Licensee's Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; and
  (f) Recognize a Compact Privilege granted to a Licensee who meets all of the requirements outlined in Section 58-89-104 in accordance with the terms of the Compact and Rules.
(3) Member States may set and collect a fee for granting a Compact Privilege.
(4) Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any other Member State.
(5) Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.
(6) At no point shall the Compact Commission have the power to define the requirements for the issuance of a Single State License to practice dietetics. The Member States shall retain sole jurisdiction over the provision of these requirements.

Enacted by Chapter 489, 2025 General Session

58-89-104 Compact privilege.

(1) To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

(a) Satisfy one of the following:

(i) Hold a valid current registration that gives the applicant the right to use the term Registered Dietitian; or

(ii) Complete all of the following:

(A) An education program which is either:

(I) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(II) An academic degree from a college or university in a foreign country equivalent to the degree described in Subsection (1)(a)(ii)(A)(I) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine.

(B) A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the United States Department of Education which the Compact Commission may by Rule determine and which involves at least 1000 hours of practice experience under the supervision of a Registered Dietitian or a Licensed Dietitian.

(C) Successful completion of either: (i) the Registration Examination for Dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the Compact Commission by Rule; such completion being no more than five years prior to the date of the Licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the Rules of the Compact Commission.

(b) Hold an Unencumbered License in the Home State;

(c) Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);

(d) Pay any applicable fees, including any State fee, for the Compact Privilege;

(e) Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

(f) Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within 30 days from the date the action is taken.

(2) The Compact Privilege is valid until the expiration date of the Home State License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the Home State License as the Compact Commission may define by Rule. The Licensee must comply with the requirements of Subsection (1) to maintain the Compact Privilege in the Remote State(s).

(3) A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of the Remote State. Licensees shall be responsible for educating themselves on, and complying with, any and all State laws relating to the Practice of Dietetics in such Remote State.

(4) Notwithstanding anything to the contrary provided in this Compact or State law, a Licensee exercising a Compact Privilege shall not be required to complete Continuing Education Requirements required by a Remote State. A Licensee exercising a Compact Privilege is only required to meet any Continuing Education Requirements as required by the Home State.

Enacted by Chapter 489, 2025 General Session

58-89-105 Obtaining a new home state license based on a compact privilege.

(1) A Licensee may hold a Home State License, which allows for a Compact Privilege in other Member States, in only one Member State at a time.
(2) If a Licensee changes Home State by moving between two Member States:
(a) The Licensee shall file an application for obtaining a new Home State License based on a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with the Rules of the Compact Commission.
(b) Upon receipt of an application for obtaining a new Home State License by virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets the criteria in Section 58-89-104 via the Data System, and require that the Licensee complete the following:
(i) Federal Bureau of Investigation fingerprint based criminal history record information check;
(ii) Any other criminal history record information required by the new Home State; and
(iii) Any Jurisprudence Requirements of the new Home State.
(c) The former Home State shall convert the former Home State License into a Compact Privilege once the new Home State has activated the new Home State License in accordance with applicable Rules adopted by the Compact Commission.
(d) Notwithstanding any other provision of this Compact, if the Licensee cannot meet the criteria in Section 58-89-104, the new Home State may apply its requirements for issuing a new Single State License.
(e) The Licensee shall pay all applicable fees to the new Home State in order to be issued a new Home State License.
(3) If a Licensee changes their State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.
(4) Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State License.
(5) Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

Enacted by Chapter 489, 2025 General Session

58-89-106 Active military members or their spouses.

An Active Military Member, or their spouse, shall designate a Home State where the individual has a current License in good standing. The individual may retain the Home State designation during the period the service member is on active duty.

Enacted by Chapter 489, 2025 General Session

58-89-107 Adverse actions.

(1) In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:
  (a) Take Adverse Action against a Licensee's Compact Privilege within that Member State; and
  (b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.
(2) Only the Home State shall have the power to take Adverse Action against a Licensee's Home State License.
(3) For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.
(4) The Home State shall complete any pending investigations of a Licensee who changes Home States during the course of the investigations. The Home State shall also have authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.
(5) A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.
(6) A Member State may take Adverse Action based on the factual findings of another Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.
(7) Joint Investigations:
  (a) In addition to the authority granted to a Member State by its respective State law, any Member State may participate with other Member States in joint investigations of Licensees.
  (b) Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the Compact.
(8) If Adverse Action is taken by the Home State against a Licensee's Home State License resulting in an Encumbrance on the Home State License, the Licensee's Compact Privilege(s) in all other Member States shall be revoked until all Encumbrances have been removed from the Home State License. All Home State disciplinary orders that impose Adverse Action against a Licensee shall include a statement that the Licensee's Compact Privileges are revoked in all Member States during the pendency of the order.
(9) Once an Encumbered License in the Home State is restored to an Unencumbered License (as certified by the Home State's Licensing Authority), the Licensee must meet the requirements of Subsection 58-89-104(1) and follow the administrative requirements to reapply to obtain a Compact Privilege in any Remote State.
(10) If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the other Member States State of any Adverse Actions.
(11) Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

Enacted by Chapter 489, 2025 General Session

58-89-108 Establishment of the dietitian licensure compact commission.

(1) The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact as set forth in Section 58-89-112.

(2) Membership, Voting, and Meetings

(a) Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Authority.

(b) The delegate shall be the primary administrator of the Licensing Authority or their designee.

(c) The Compact Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

(d) The Compact Commission may recommend removal or suspension of any delegate from office.

(e) A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Compact Commission within 60 days of the vacancy.

(f) Each delegate shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the delegates.

(g) Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.

(h) The Compact Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in person or by telecommunication, video conference, or other means of communication.

(3) The Compact Commission shall have the following powers:

(a) Establish the fiscal year of the Compact Commission;

(b) Establish code of conduct and conflict of interest policies;

(c) Establish and amend Rules and bylaws;

(d) Maintain its financial records in accordance with the bylaws;

(e) Meet and take such actions as are consistent with the provisions of this Compact, the Compact Commission's Rules, and the bylaws;

(f) Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;

(g) Maintain and certify records and information provided to a Member State as the authenticated business records of the Compact Commission, and designate an agent to do so on the Compact Commission's behalf;

(h) Purchase and maintain insurance and bonds;

(i) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

(j) Conduct an annual financial review;

(k) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Compact Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(l) Assess and collect fees;
(m) Accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same; provided that at all times the Compact Commission shall avoid any actual or appearance of impropriety or conflict of interest;
(n) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
(o) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
(p) Establish a budget and make expenditures;
(q) Borrow money;
(r) Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact or the bylaws;
(s) Provide and receive information from, and cooperate with, law enforcement agencies;
(t) Establish and elect an Executive Committee, including a chair and a vice chair;
(u) Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and
(v) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

(4) The Executive Committee
(a) The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:
(i) Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other such duties as deemed necessary;
(ii) Recommend to the Compact Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;
(iii) Ensure Compact administration services are appropriately provided, including by contract;
(iv) Prepare and recommend the budget;
(v) Maintain financial records on behalf of the Compact Commission;
(vi) Monitor Compact compliance of Member States and provide compliance reports to the Compact Commission;
(vii) Establish additional committees as necessary;
(viii) Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw; and
(ix) Other duties as provided in the Rules or bylaws of the Compact Commission.
(b) The Executive Committee shall be composed of nine members:
(i) The chair and vice chair of the Compact Commission shall be voting members of the Executive Committee;
(ii) Five voting members from the current membership of the Compact Commission, elected by the Compact Commission;
(iii) One ex-officio, nonvoting member from a recognized professional association representing dietitians; and

(iv) One ex-officio, nonvoting member from a recognized national credentialing organization for dietitians.

(c) The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.

(d) The Executive Committee shall meet at least annually.

(i) Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in Subsection (6)(b).

(ii) The Executive Committee shall give 30 days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.

(iii) The Executive Committee may hold a special meeting in accordance with Subsection (6)(a)(ii).

(5) The Compact Commission shall adopt and provide to the Member States an annual report.

(6) Meetings of the Compact Commission

(a) All meetings shall be open to the public, except that the Compact Commission may meet in a closed, non-public meeting as provided in Subsection (6)(b).

(i) Public notice for all meetings of the full Compact Commission shall be given in the same manner as required under the rulemaking provisions in Section 58-89-110, except that the Compact Commission may hold a special meeting as provided in Subsection (6)(a)(ii).

(ii) The Compact Commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all Member States, on the Compact Commission's website, and other means as provided in the Compact Commission's Rules. The Compact Commission's legal counsel shall certify that the Compact Commission's need to meet qualifies as an emergency.

(b) The Compact Commission or the Executive Committee or other committees of the Compact Commission may convene in a closed, non-public meeting for the Compact Commission or Executive Committee or other committees of the Compact Commission to receive legal advice or to discuss:

(i) Non-compliance of a Member State with its obligations under the Compact;

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

(iii) Current or threatened discipline of a Licensee by the Compact Commission or by a Member State's Licensing Authority;

(iv) Current, threatened, or reasonably anticipated litigation;

(v) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) Accusing any person of a crime or formally censuring any person;

(vii) Trade secrets or commercial or financial information that is privileged or confidential;

(viii) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) Investigative records compiled for law enforcement purposes;

(x) Information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

(xi) Matters specifically exempted from disclosure by federal or Member State law; or

(xii) Other matters as specified in the Rules of the Compact Commission.

(c) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(d) The Compact Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

(7) Financing of the Compact Commission

(a) The Compact Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The Compact Commission may accept any and all appropriate revenue sources as provided in Subsection (3)(m).

(c) The Compact Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the Compact Commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Compact Commission shall promulgate by Rule.

(d) The Compact Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

(e) The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Compact Commission.

(8) Qualified Immunity, Defense, and Indemnification

(a) The members, officers, executive director, employees and representatives of the Compact Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not in any way compromise or limit the immunity granted hereunder.

(b) The Compact Commission shall defend any member, officer, executive director, employee, and representative of the Compact Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or as determined by the Compact Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that persons intentional or willful or wanton misconduct.

(c) The Compact Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Compact Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(d) Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

(e) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

(f) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission.

Enacted by Chapter 489, 2025 General Session

58-89-109 Data system.

(1) The Compact Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

(2) The Compact Commission shall assign each applicant for a Compact Privilege a unique identifier, as determined by the Rules.

(3) Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Compact Commission, including:

(a) Identifying information;

(b) Licensure data;

(c) Adverse Actions against a License or Compact Privilege and information related thereto;

(d) Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

(e) Any denial of application for licensure, and the reason(s) for such denial;

(f) The presence of Current Significant Investigative Information; and

(g) Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Compact Commission.

(4) The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Compact Commission or an agent thereof, shall constitute the authenticated business records of the Compact Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

(5) Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

(6) It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the Data System to determine whether any Adverse Action has been taken

against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.
(7) Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.
(8) Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

Enacted by Chapter 489, 2025 General Session

58-89-110 Rulemaking.
(1) The Compact Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.
(2) The Rules of the Compact Commission shall have the force of law in each Member State, provided however that where the Rules conflict with the laws or regulations of a Member State that relate to the procedures, actions, and processes a Licensed Dietitian is permitted to undertake in that State and the circumstances under which they may do so, as held by a court of competent jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of the conflict.
(3) The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the Rule or amendment, whichever is later.
(4) If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.
(5) Rules shall be adopted at a regular or special meeting of the Compact Commission.
(6) Prior to adoption of a proposed Rule, the Compact Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.
(7) Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty (30) days in advance of the meeting at which the Compact Commission will hold a public hearing on the proposed Rule, the Compact Commission shall provide a Notice of Proposed rulemaking:
  (a) On the website of the Compact Commission or other publicly accessible platform;
  (b) To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and
  (c) In such other way(s) as the Compact Commission may by Rule specify.
(8) The Notice of Proposed rulemaking shall include:
  (a) The time, date, and location of the public hearing at which the Compact Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Compact Commission will consider and vote on the proposed Rule;
  (b) If the hearing is held via telecommunication, video conference, or other means of communication, the Compact Commission shall include the mechanism for access to the hearing in the Notice of Proposed rulemaking;
  (c) The text of the proposed Rule and the reason therefore;

(d) A request for comments on the proposed Rule from any interested person; and
(e) The manner in which interested persons may submit written comments.
(9) All hearings will be recorded. A copy of the recording and all written comments and documents received by the Compact Commission in response to the proposed Rule shall be available to the public.
(10) Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Compact Commission at hearings required by this Section.
(11) The Compact Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.
(a) The Compact Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.
(b) The Compact Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.
(c) The Compact Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Subsection (12), the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.
(12) Upon determination that an emergency exists, the Compact Commission may consider and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:
(a) Meet an imminent threat to public health, safety, or welfare;
(b) Prevent a loss of Compact Commission or Member State funds;
(c) Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
(d) Protect public health and safety.
(13) The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.
(14) No Member State's rulemaking requirements shall apply under this Compact.

Enacted by Chapter 489, 2025 General Session

58-89-111 Oversight, dispute resolution, and enforcement.
(1) Oversight
(a) The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement this Compact.
(b) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Compact Commission shall be brought solely and exclusively in a court

of competent jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

(c) The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this Compact, or promulgated Rules.

(2) Default, Technical Assistance, and Termination

(a) If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default.

(b) The Compact Commission shall provide a copy of the notice of default to the other Member States.

(3) If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting States' legislature, the defaulting State's Licensing Authority, and each of the Member States' Licensing Authority.

(5) A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of six months after the date of said notice of termination.

(7) The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Compact Commission and the defaulting State.

(8) The defaulting State may appeal the action of the Compact Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(9) Dispute Resolution

(a) Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

(b) The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(10) Enforcement

(a) By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.

(b) A Member State may initiate legal action against the Compact Commission in the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) No party other than a Member State shall enforce this Compact against the Compact Commission.

Enacted by Chapter 489, 2025 General Session

58-89-112 Effective date, withdrawal, and amendment.

(1) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

(a) On or after the effective date of the Compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

(i) A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 58-89-111.

(ii) If any Member State is later found to be in default, or is terminated, or withdraws from the Compact, the Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

(b) Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Subsection 58-89-108(3)(u) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

(c) All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Compact Commission coming into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by the Compact Commission.

(d) Any State that joins the Compact subsequent to the Compact Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Compact Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

(2) Any Member State may withdraw from this Compact by enacting a statute repealing the same.
  (a) A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.
  (b) Withdrawal shall not affect the continuing requirement of the withdrawing States Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.
  (c) Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.
(3) Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.
(4) This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Enacted by Chapter 489, 2025 General Session

58-89-113 Construction and severability.

(1) This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes.
(2) The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.
(3) Notwithstanding Subsection (2), the Compact Commission may deny a State's participation in the Compact or, in accordance with the requirements of Subsection 58-89-111(2), terminate a Member States participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Enacted by Chapter 489, 2025 General Session

58-89-114 Consistent effect and conflict with other state laws.

(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.
(2) Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

(3) All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms.

Enacted by Chapter 489, 2025 General Session

Chapter 90
Health Care Services Platforms

58-90-101 Health care services platforms -- Registration.

(1) As used in this section:

(a) "Advanced practice provider" means an individual licensed to practice as:

(i) an advanced practice registered nurse under Chapter 31b, Nurse Practice Act;

(ii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act; or

(iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act.

(b) "Health care facility" means the same as that term is defined in Section 26B-4-501.

(c) "Health care services platform" means a person that operates or offers for use a platform.

(d)

(i) "Health care worker" means an individual who provides or delivers a health care service, or assists in the provision or delivery of a health care service, including a service for which no license or certification under this title is required.

(ii) "Health care worker" does not include:

(A) a physician; or

(B) an advanced practice provider.

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

(f) "Platform" means an electronic program, system, or application through which a health care worker may accept a shift to perform a health care service or role, as an independent contractor, at a health care facility.

(2)

(a) No later than September 1, 2025, the division shall establish the registration system described in Subsection (5)(a).

(b) Beginning January 1, 2026, no person shall operate a health care services platform in the state without a valid registration issued by the division.

(3) A health care services platform shall:

(a) register with the division, and pay the applicable registration and renewal fees established by the division under Subsection (5)(a);

(b) retain records demonstrating that, for each shift a health care worker using the platform seeks to accept:

(i) the health care worker meets all minimum applicable, state and federal:

(A) licensing standards;

(B) training standards, including supervised training requirements; and

(C) continuing education standards;

(ii) the health care worker has completed and passed applicable background checks for any shift a health care worker using the platform seeks to accept; and

(iii) the health care services platform maintains general liability or professional liability insurance; and

(c) meet any additional requirements the division establishes in rule.

(4) A health care services platform may not:

(a) require a health care worker to enter into a non-compete agreement;

(b) accept a fee, payment, or benefit from a health care worker, a health care provider, or a health care facility, as compensation for a health care worker accepting an offer of employment from a health care provider or facility; or

(c) restrict a health care worker from:

(i) finding or accepting a shift using another platform; or

(ii) finding or accepting a shift or employment with a health care provider or facility.

(5)

(a) The division shall, in accordance with this section:

(i)

(A) establish and maintain a registration program for health care services platforms; and

(B) review and issue a decision on each application for registration or renewal as a health care services platform no later than 30 days after the day on which the application is submitted;

(ii) establish, impose, and collect an initial registration fee, and an annual renewal registration fee:

(A) in accordance with Section 63J-1-504;

(B) each of which amounting to not more than $500; and

(C) that generate sufficient revenue, when paid by all registrants, to cover or substantially cover the costs for the establishment and maintenance of the registration program described in this Subsection (5)(a); and

(iii) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to effectuate and administer this section.

(b) The division may deny, refuse to renew, revoke, place conditions on, or suspend the registration of a health care services platform for failure to comply with the requirements of this section, or of division rule adopted under Subsection (5)(a)(iii).

Amended by Chapter 78, 2026 General Session

Chapter 91
Constables Licensing Act

Part 1
General Provisions

58-91-101 Definitions.

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

(1) "Adequate records" means records containing, at a minimum, sufficient information to identify the client, the dates of service, the fee for service, the payments for service, the type of service given, and copies of any reports that may have been made.

(2) "Advertising" means the submission of bids, contracting or making known by any public notice, publication, or solicitation of business, directly or indirectly, that services regulated under this chapter are available for consideration.
(3) "Applicant" means a person who has submitted to the division a completed application and all required application and processing fees.
(4) "Apprentice constable" means an individual who:
(a) is licensed as an apprentice constable under this chapter; and
(b) performs one or more of the duties described in Section 58-91-301 under the supervision of a constable.
(5) "Board" means the Constables Licensing Board established in Section 58-91-201.
(6) "Client" means a private individual or private entity that requests civil services from a licensed constable for pay.
(7) "Constable" means an individual who is licensed as a constable under this chapter and who performs one or more of the duties described in Section 58-91-301.
(8) "Contracting governmental entity" means:
(a) a county that contracts with a constable as described in Title 17, Chapter 78, Part 6, Constables; or
(b) a city that contracts with a constable as described in Section 10-7-87.
(9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from a trial or plea, including a plea of no contest or nolo contendere, regardless of whether the imposition of sentence was suspended.
(10) "Deputy constable" means an individual who:
(a) is licensed as a deputy constable under this chapter; and
(b) performs one or more of the duties described in Section 58-91-301 at the direction of a constable.
(11) "Emergency action" means a summary suspension of a license issued under this chapter pending revocation, suspension, or probation, in order to protect the public health, safety, or welfare.
(12) "Identification card" means a personal pocket- or wallet-size card issued by the division to a licensee.
(13) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
(14) "Licensee" means a person to whom a license is issued under this chapter.
(15) "Occupied structure" means any edifice, including residential and public buildings, vehicles, or any other structure that could reasonably be expected to house or shelter persons.
(16) "Peace officer" means the same as that term is defined in Section 53-1-102.
(17) "Prisoner" means the same as that term is defined in Section 17-72-101.
(18) "Special function officer" means the same as that term is defined in Section 53-13-105.
(19) "Supervision" means the employing licensee is responsible for and authorizes the type and extent of work assigned to an employee or independent contractor.
(20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-91-801.
(21) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-91-802, and as may be further defined by the board by rule.

Enacted by Chapter 130, 2026 General Session

58-91-102 Division administration -- Rulemaking.
(1) The division shall keep records of:

(a) all applications for licenses under this chapter; and
(b) proof of workers' compensation required to be filed.
(2) If a license is revoked, suspended, or canceled, or a license is denied or placed on probation, the division shall ensure the date of filing the order for revocation, suspension, cancellation, denial, or probation is included in a record described in Subsection (1).
(3) The division shall maintain:
(a) a list of all individuals, firms, partnerships, associations, or corporations that have had a license revoked, suspended, placed on probation, or canceled; and
(b) a written record of complaints filed against licensees.
(4)
(a) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer this chapter.
(b) Rules described in Subsection (4)(a) shall include a requirement that all providers offering instruction or continuing instruction required for licensure under this chapter shall offer the courses to all applicants at the same course fees, in order to be qualified by the board.
(5) All records described in this section are open to the public under Title 63G, Chapter 2, Government Records Access and Management Act, except licensees' residential addresses and telephone numbers.

Enacted by Chapter 130, 2026 General Session

58-91-103 License classifications -- Background checks -- Prohibited acts -- Division to issue licenses.
(1) Licenses under this chapter are issued in the classifications of:
(a) constable;
(b) deputy constable; and
(c) apprentice constable.
(2) An applicant for a license described in this chapter shall:
(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(b) meet any other standard related to the criminal background check described in Subsection (2)(a) that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(c) disclose any criminal history the division requests on a form the division approves.
(3)
(a) The division shall set initial licensing fees, renewal fees, and delinquency fees:
(i) by license classification, as described in this section;
(ii) in accordance with Section 63J-1-504; and
(iii) in accordance with this section.
(b) The division shall collect fingerprinting fees in accordance with Section 58-1-301.5.
(4) A person may not:
(a) act or assume to act as, or claim to be, a licensee unless the person is licensed under this chapter; or
(b) falsely represent that the person is employed by a licensee.
(5) The division shall, under the direction of the board, issue licenses to applicants who qualify for a license under this chapter.
(6) A license issued under this chapter is not transferable or assignable.

Enacted by Chapter 130, 2026 General Session

58-91-104 Use of money for education, training, and enforcement.

The director may, with the concurrence of the board, use fines collected under Section 58-91-803 for the following purposes:

(1) educating and training licensees under this chapter;

(2) educating and training the general public in matters concerning the laws that govern practices licensed under this chapter; and

(3) enforcing this chapter by:

(a) investigating unprofessional or unlawful conduct; and

(b) providing legal representation to the division when the division takes legal action against an individual charged with unprofessional or unlawful conduct.

Enacted by Chapter 130, 2026 General Session

Part 2
Board

58-91-201 Board -- Duties.

(1) There is created the Constables Licensing Board.

(2) The membership of the board consists of:

(a) one individual representing a county that:

(i) appointed or contracted with an unlicensed constable service before January 1, 2027; or

(ii) on or after January 1, 2027, is contracted with a licensed constable as described in Title 17, Chapter 78, Part 6, Constables;

(b)

(i) before January 1, 2027, an individual who has at least five years' experience acting as a constable in the state; or

(ii) beginning January 1, 2027, an individual who is licensed as a constable under this chapter;

(c) an individual serving as the sheriff or chief of police for a jurisdiction that has:

(i) appointed or contracted with an unlicensed constable service before January 1, 2027; or

(ii) on or after January 1, 2027, is contracted with a licensed constable as described in Title 17, Chapter 78, Part 6, Constables;

(d) one individual:

(i) representing the legal community; and

(ii) with experience utilizing constable services as a client; and

(e) a member of the public who:

(i) does not have a financial interest in a constable business; and

(ii) does not have an immediate family member or a household member, or a personal or professional acquaintance, who is licensed under this chapter.

(3) The sheriff or chief of police described in Subsection (2)(c) may not serve in the same county as the board member described in Subsection (2)(a).

(4)

(a)

(i) The executive director shall appoint board members in accordance with Section 58-1-201.

(ii) In making the appointment of the board member described in Subsections (2)(a) and (c), the executive director shall consider nominees put forth by the Utah Association of Counties.

(b) A board member shall be a citizen of the United States and a resident of this state at the time of appointment.
(c) A board member serves in accordance with Section 58-1-201.
(5)
(a) The board shall carry out the board's duties and responsibilities in accordance with Sections 58-1-202 and 58-1-203.
(b) The board shall designate one board member, on a rotating or ongoing basis, to:
(i) assist the division in reviewing a complaint regarding the unlawful or unprofessional conduct of an individual licensed under this chapter; and
(ii) advise the division in the division's investigation of a complaint described in Subsection (4)(b)(i).
(6) A board member who, under Subsection (4), has reviewed a complaint or advised in a complaint's investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Enacted by Chapter 130, 2026 General Session

Part 3
Licensing Constables

58-91-301 Scope of practice of a constable -- License required on or after January 1, 2027.
(1) A constable may:
(a) serve legal documents throughout the state;
(b) serve any civil process throughout the state, including orders of restitution and writs of execution;
(c) when acting under the direction of a contracting governmental entity, arrest an individual pursuant to an arrest warrant in any location in the state;
(d) when acting under the direction of a contracting governmental entity, transport a prisoner within the state; and
(e) when acting under the direction of a justice court, take an action described in Subsection 17-78-603(2).
(2) A constable who is acting under the direction of a contracting governmental entity shall provide the division with a copy of the constable's contract with the contracting governmental entity.
(3) A constable:
(a) may take any action within the constable's scope of practice; and
(b) when acting under the direction of a contracting governmental entity, shall take action in accordance with the contracting governmental entity's direction and pursuant to the contract between the constable and the contracting governmental entity.
(4) Upon termination of a contract between a constable and a contracting governmental entity, the constable shall notify the division no later than five business days after the day on which the termination takes effect.
(5) Beginning January 1, 2027, a license is required to engage in the practice of a constable, whether the constable engages a client, a contracting governmental entity, or both, except as provided in Sections 58-1-307 and 58-91-304.

Enacted by Chapter 130, 2026 General Session

58-91-302 Qualifications for licensure.

(1) Each applicant for licensure as a constable shall:
(a) be 21 years old or older;
(b) be trained and certified as a special function officer in the state, as described in Section 53-13-105;
(c) provide the applicant's name, address, date of birth, social security number, and fingerprints to the division;
(d) disclose the applicant's criminal history, if any, on a form the division approves;
(e) consent to and complete a criminal background check described in Section 58-1-301.5;
(f) submit an application in a form the division approves;
(g) pay a fee determined by the department under Section 63J-1-504;
(h) provide evidence that the applicant carries or will carry the minimum required insurance; and
(i) meet with the division and board, if requested by the division or the board.
(2) The division may not issue a license to an applicant who:
(a) has a conviction for an act which, when considered with the functions and duties imposed by Title 58, Occupations and Professions:
(i) bears a substantial relationship to the applicant's ability to safely or competently perform the duties described in this chapter; or
(ii) indicates that the best interests of the public are not served by granting the applicant a license;
(b) is on probation, parole, community supervision, or named in an outstanding arrest warrant; or
(c) has previously violated Section 58-91-501, as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding.
(3) The division and board shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the type of insurance coverage and minimum coverage amounts required for:
(a) a licensed constable who provides criminal services for a contracting governmental entity, civil services for a contracting governmental entity, and civil services for a client;
(b) a licensed constable who provides only civil services for a contracting governmental entity or a client;
(c) a licensed constable who provides only civil services for a client;
(d) a licensed deputy constable; and
(e) a licensed apprentice constable.

Enacted by Chapter 130, 2026 General Session

58-91-303 Term of license -- Expiration -- Renewal.

(1)
(a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.
(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.
(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308.

Enacted by Chapter 130, 2026 General Session

58-91-304 Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, an individual may engage in acts regulated under this chapter without being licensed under this chapter if the individual is:
  (a) a peace officer employed by a constable as provided in Subsection (2);
  (b) licensed by the division under another chapter of this title to engage in the act; or
  (c) a peace officer acting in the scope of the peace officer's employment.
(2) A peace officer may only engage in off-duty employment with a constable if:
  (a) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off duty as a constable and the written policy addresses the issue of financial responsibility;
  (b) the law enforcement agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a constable; and
  (c) the client, contracting governmental entity, or licensed constable employing the peace officer to work as a constable complies with state and federal income reporting and withholding requirements regarding the off-duty peace officer's wages.

Enacted by Chapter 130, 2026 General Session

58-91-305 Identification of constables -- Uniform requirements.

(1) An individual licensed as a constable shall:
  (a) carry a copy of the individual's license on the individual's person at all times while acting as a constable; and
  (b) display the license upon the request of a peace officer, a representative of the division, or a member of the public.
(2) While performing a duty within the scope of practice of a constable, as described in Section 58-91-301, a constable shall prominently display a visible form of credentials and identification identifying:
  (a) the individual as a constable;
  (b) the individual's name; and
  (c) the governmental contracting entity for which the constable is acting, if applicable.
(3) If a constable serves process, the constable shall:
  (a) verbally communicate to the person being served that the constable is a constable; and
  (b) print on the first page of each document served:
    (i) the constable's name and identification as a constable;
    (ii) the county for which the constable is appointed; and
    (iii) a business phone number for the constable.
(4) If a constable wears a uniform, the uniform shall be clearly marked with the word "constable" on the uniform shirt and, if applicable, the jacket.

Renumbered and Amended by Chapter 130, 2026 General Session

58-91-306 Operating standards for constables -- Rulemaking.

(1) In addition to the requirements of Section 58-91-305, the division in collaboration with the board may establish by rule additional operating standards that shall apply to the conduct of licensees under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensee's practice under this chapter.
(2) In making rules described in Subsection (1), the division and board shall comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 130, 2026 General Session

Part 4
License Denial And Discipline

58-91-401 General grounds for denial of license -- Disciplinary proceedings.

The division and board may, in accordance with Section 58-1-401, take any of the following actions:

(1) refuse to issue a license to an applicant;
(2) refuse to renew the license of a licensee;
(3) revoke, suspend, restrict, or place on probation the license of a licensee;
(4) issue a public or private reprimand to a licensee; and
(5) issue a cease and desist order to a licensee.

Enacted by Chapter 130, 2026 General Session

Part 5
Unlawful Conduct - Unprofessional Conduct - Penalties

58-91-501 Unlawful conduct.

"Unlawful conduct" includes:

(1) a licensee employing the services of an unlicensed individual to perform the duties of a licensee, except as provided in Section 58-91-304;
(2) filing with the division fingerprint cards for an applicant that are not those of the applicant, or are in any other way false or fraudulent and intended to mislead the division in the division's consideration of the qualifications of the applicant for licensure;
(3) practicing or engaging in, or attempting to practice or engage in, activity for which a license is required under this chapter, unless the individual:
  (a) holds a license; or
  (b) is exempted from licensure as provided in Section 58-91-304;
(4) knowingly employing another person to engage in or practice or attempt to engage in or practice an occupation or profession licensed under this chapter, if the employee:
  (a) is not licensed to do so under this chapter; or
  (b) is not exempt from licensure; and
(5) charging a client a fee that the constable is prohibited from charging under Section 78B-7-105 or 78B-7-207.

Enacted by Chapter 130, 2026 General Session

58-91-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes:
  (a) engaging or offering to engage by fraud or misrepresentation in any activities regulated by this chapter;
  (b) aiding or abetting a person who is not licensed pursuant to this chapter in representing that person is a constable in this state;

(c) gross negligence in the practice of a licensee;
(d) committing a felony or a misdemeanor involving any crime that is grounds for denial, suspension, or revocation of a license;
(e) making a fraudulent or untrue statement to the board or division;
(f) failing to carry or display a copy of the constable's license or failing to comply with the identification requirements described in Section 58-91-305;
(g) employing an individual whom the licensed constable knows or should know has engaged in conduct that is inconsistent with the duties and responsibilities of a licensee under this chapter; and
(h) failing to comply with operating standards established under Section 58-91-306.
(2) The division and board may take a licensee's conviction by a court of competent jurisdiction or entrance of a plea of no contest as conclusive evidence that the licensee committed a felony or misdemeanor described in Subsection (1)(d).

Enacted by Chapter 130, 2026 General Session

58-91-503 Penalties.
(1) Unless Subsection (2) applies, an individual who commits an act of unlawful conduct under Section 58-91-501 or who fails to comply with a citation issued under this section after the citation becomes final is guilty of a class A misdemeanor.
(2) The division may immediately suspend a license issued under this chapter from an individual who is given a citation for violating Section 58-91-501.
(3)
(a) If upon inspection or investigation, the division determines that a person has violated Section 58-91-501 or any rule made or order issued under those subsections, and that disciplinary action is warranted, the director or the director's designee shall promptly issue a written citation to the individual and:
(i) attempt to negotiate a stipulated settlement; or
(ii) notify the individual to appear for an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(b) In regard to an individual who violates Section 58-91-501, as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding held under Subsection (3)(a)(ii), the division may:
(i) fine the individual, as described in Subsection (4);
(ii) order the individual to cease and desist from the violation; or
(iii) both fine the individual and order the individual to cease and desist from the violation.
(c) Except for a cease and desist order, the division may not impose the licensure sanctions listed in Section 58-91-401 through the issuance of a citation under this section.
(d) A written citation described in Subsection (3)(a) shall:
(i) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or order;
(ii) state the recipient must notify the division in writing within 20 calendar days of issuance of the citation if the recipient intends to contest the citation at an adjudicative proceeding under Subsection (3)(a)(ii); and
(iii) explain the consequences of failure to timely contest the citation or to make payment of a fine assessed under the citation with the time specified in the citation.
(e) The division may serve a written citation issued under this section, or a copy of the written citation:

(i) upon an individual who is subject to service of a summons under the Utah Rules of Civil Procedure;
(ii) personally or via the individual's agent; and
(iii) by a division investigator, by a person designated by the director, or by mail.
(f)
(i) If within 20 days from the service of a citation the individual to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
(ii) The division may grant an extension of the 20-day period for cause.
(g) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.
(h) The division may not issue a citation for an alleged violation under this section after the expiration of one year following the date on which the violation that is the subject of the citation is reported to the division.
(4) The director or the director's designee may assess fines under this section as follows:
(a) for a first offense under Subsection (3)(a), a fine of up to $1,000;
(b) for a second offense under Subsection (3)(a), a fine of up to $2,000; and
(c) for a subsequent offense under Subsection (3)(a), a fine of up to $2,000 for each day of continued violation.
(5) For purposes of issuing a final order under this section and assessing a fine under Subsection (4), an offense is a second or subsequent offense if:
(a) the division previously issued a final order determining that a person committed a first or second offense in violation of Section 58-91-501; or
(b)
(i) the division initiated an action for a first or second offense;
(ii) no final order has been issued by the division;
(iii) the division determines during an investigation that occurred after the initiation of the action that the individual committed a second or subsequent violation of Section 58-91-501; and
(iv) after determining that the person committed a second or subsequent offense, the division issues a final order on the action.
(6) In issuing a final order for a second or subsequent offense under Subsection (5), the division shall comply with the requirements of this section.
(7)
(a) The division shall deposit a fine imposed by the director under Subsection (4) into the General Fund as a dedicated credit for use by the division for the purposes listed in Section 58-91-104.
(8) The director may collect a fine that is not paid by:
(a) referring the matter to a collection agency; or
(b) bringing an action in court in the county where:
(i) the person against whom the penalty is imposed resides; or
(ii) the office of the director is located.
(9) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(10) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Enacted by Chapter 130, 2026 General Session

Part 6
Regulatory Jurisdiction

58-91-601 State preemption of local regulation.

(1) Notwithstanding Title 17, Chapter 78, Part 6, Constables, or Section 10-7-87, a political subdivision of this state may not enact any ordinance, adopt any resolution, or make any policies relating to the licensing or regulation of constables.

(2) Any ordinance, resolution, or policy made by any political subdivision of this state relating to the licensing, training, or regulation of constables is superseded by this chapter.

(3) This section does not prevent a contracting governmental entity from:

(a) including in a contract between a licensed constable and the contracting governmental entity any provision that does not conflict with Subsection (1); or

(b) requiring a constable to conform with the contracting governmental entity's training, process, standards, or other procedures when making an arrest or transporting a prisoner at the direction and authorization of the contracting governmental entity.

Enacted by Chapter 130, 2026 General Session

Chapter 92
Private Investigation Licensing Act

Part 1
General Provisions

58-92-101 Definitions.

As used in this chapter:

(1) "Board" means the Security Services Licensing Board created in Section 58-63-201.

(2)

(a) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from trial or plea.

(b) "Conviction" includes the following, regardless of whether the imposition of a sentence was suspended:

(i) a plea of no contest;

(ii) a plea in abeyance; or

(iii) an Alford plea.

(3) "D.B.A." means the same as that term is defined in Section 42-2-101.

(4) "DOD civilian" means the same as that term is defined in Section 53H-11-202.

(5)

(a) "Private investigation" means engaging in business or accepting employment to conduct an investigation for the purpose of obtaining information about:

(i) crime, wrongful acts, or threats against the United States or a state or territory of the United States;

(ii) the identity, reputation, character, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, or transactions of an individual or group of individuals;
(iii) the credibility of witnesses or other individuals;
(iv) the whereabouts of a missing person or the owner of abandoned property;
(v) the causes and origin of, or responsibility for:
(A) a fire;
(B) libel;
(C) slander;
(D) a loss;
(E) an accident; or
(F) damage or an injury to real or personal property;
(vi) the business of securing evidence to be used:
(A) before investigating committees or boards; or
(B) in a civil trial or criminal trial and in the preparation for the civil trial or criminal trial;
(vii) the prevention, detection, and removal of installed devices for eavesdropping or observation;
(viii) the business of "skip tracing" a person that has become delinquent in the person's lawful debts, either when hired by an individual, collection agency, or through the direct purchase of the debt from a financial institution or entity owning the debt or judgment; or
(ix) serving civil process.
(b) "Private investigation" does not include:
(i) a person engaging in activities that are exempt under Section 58-92-306;
(ii) a person operating as a collection agency;
(iii) a person operating as a credit reporting agency;
(iv) a person or an employee conducting an investigation on the person's or employee's behalf or on behalf of an employer if the employer is not a private investigator under this chapter;
(v) an employee of an attorney licensed to practice law in this state; or
(vi) a currently licensed certified public accountant as that term is defined in Section 58-26a-102.

(6)
(a) "Private investigation agency" means an entity:
(i) under the control of a private investigator agent; and
(ii) created by a private investigator agent to manage the private investigator agent's or the private investigator agent's employee's clients and cases.
(b) "Private investigation agency" includes an entity that contracts with or employs a private investigator agent, a private investigator registrant, or a private investigator apprentice.

(7) "Private investigator agent" means an individual that holds a private investigator agent license under Section 58-92-303.

(8) "Private investigator apprentice" means an individual who holds a private investigator apprentice license under Section 58-92-305.

(9) "Private investigator registrant" means an individual who holds a private investigator registrant license under Section 58-92-304.

Enacted by Chapter 44, 2026 General Session

Part 2
Board

58-92-201 Division to administer -- Division to issue licenses -- Records -- Bonds -- Rulemaking.

(1) On or after May 6, 2026, the division shall administer this chapter.

(2)
  (a) The division shall issue a license to an applicant who meets the qualifications for licensure under this chapter.
  (b) The division shall notify each licensee under this chapter when a licensee's license is due for renewal in accordance with procedures the division establishes by rule.

(3)
  (a) The division shall keep records of:
    (i) all applications for licenses under this chapter; and
    (ii) all bonds and proof of certificates of liability and workers' compensation insurance required to be filed.
  (b) The division shall include in the record described in Subsection (3)(a) statements as to whether the division has issued a license or renewal license for each application.

(4) If the division revokes, suspends, or denies a license, the division shall include the date of filing the order for revocation, suspension, or denial in the records.

(5) The division shall maintain:
  (a) a list of all licensees whose license the division revokes, suspends, or denies;
  (b) a written record of complaints filed against licensees; and
  (c) records of board actions.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules governing the administration of the provisions of this chapter.

Renumbered and Amended by Chapter 44, 2026 General Session

Part 3
Licensing

58-92-301 Licensure required -- License classifications.

(1) Except as otherwise provided in this chapter, a license is required to engage in an act regulated under this chapter.

(2) The division shall issue to a person that qualifies under this chapter, a license in the following classifications:
  (a) private investigator agent;
  (b) private investigator registrant; or
  (c) private investigator apprentice.

Enacted by Chapter 44, 2026 General Session

58-92-302 General qualifications for licensure.

An applicant for licensure for a private investigator license, private investigator registrant, or private investigator apprentice under this chapter:

(1) shall:
(a) except for an applicant for a private investigator apprentice license, be at least 21 years old;
(b) be a citizen or legal resident of the United States;
(c) provide the applicant's name, address, date of birth, social security number, and fingerprints to the division;
(d) disclose any criminal history the division requests on a form the division approves;
(e) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(f) meet any other standard related to the criminal background check described in Section 58-1-301.5, that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(g) if currently licensed in another state or jurisdiction, be in good standing within that state or jurisdiction; and
(2) may not:
(a) have been convicted of:
(i) a felony;
(ii) any act involving illegally using, carrying, or possessing a dangerous weapon;
(iii) an act of personal violence or force on another person;
(iv) threatening to commit an act of personal violence or force against another person;
(v) an act constituting dishonesty or fraud;
(vi) impersonating a peace officer; or
(vii) an act that, when considered with the functions and duties imposed by this title, bears a substantial relationship to the individual's ability to safely or competently perform the duties required under this chapter or indicates that the best interests of the public are not served by granting the applicant a license;
(b) be on probation, parole, community supervision, or named in an outstanding arrest warrant; or
(c) have been previously found or presently be in violation of this chapter.

Enacted by Chapter 44, 2026 General Session

58-92-303 Private investigator agent -- Qualifications for licensure -- Scope of license.
(1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private investigator agent shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide proof to the division that the applicant meets each examination and experience requirement for a private investigator agent under Sections 58-92-307 and 58-92-308;
(d) file and maintain with the division evidence of a surety bond:
(i) in the amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) that shall remain in effect throughout the applicant's entire licensing period; and
(iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or expired; and
(e) provide the division any other information the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) A private investigator agent may:

(a) engage in private investigation independently if the private investigator agent creates a private investigation agency and receives a private investigation agency license in accordance with Section 58-92-311;
(b) if the private investigator agent creates a private investigation agency and receives a private investigation agency license, supervise and employ a private investigator agent, a private investigator registrant, or a private investigator apprentice under the private investigation agency; and
(c) engage in private investigation:
(i) as the employee of a private investigator agent with a valid and current license; or
(ii) while under contract and supervision of a private investigator agent with a valid and current license.
(3) A private investigator agent may not supervise or employ a private investigator agent, a private investigator registrant, or a private investigator apprentice unless the private investigator agent creates a private investigation agency and receives a private investigation agency license.
(4) The division may further define the scope of the private investigator agent license by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-92-304 Private investigator registrant -- Qualifications for licensure -- Scope of license.
(1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private investigator registrant shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) provide proof to the division that the applicant meets the experience requirement for a private investigator registrant under Section 58-92-307;
(d) file and maintain with the division evidence of a surety bond:
(i) in the amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) that shall remain in effect throughout the applicant's entire licensing period; and
(iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or expired; and
(e) provide the division any other information required by division rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) A private investigator registrant may engage in private investigation only:
(a) as the employee of a private investigator agent who:
(i) creates a private investigation agency and receives a private investigation agency license; and
(ii) maintains a valid and current private investigator agent license; or
(b) while under contract and supervision of a private investigator agent who:
(i) creates a private investigation agency and receives a private investigation agency license; and
(ii) maintains a valid and current private investigator agent license.
(3) The division may further define the scope of the private investigator registrant license by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-92-305 Private investigator apprentice -- Qualifications for licensure -- Scope of license.

(1) In addition to the requirements of Section 58-92-302, an applicant for licensure as a private investigator apprentice shall:
  (a) be at least 18 years old;
  (b) submit an application in a form the division approves;
  (c) pay a fee determined by the department under Section 63J-1-504; and
  (d) provide the division any other information the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) A private investigator apprentice may engage in private investigation only:
  (a) as the employee of a private investigator agent who:
    (i) creates a private investigation agency and receives a private investigation agency license; and
    (ii) maintains a valid and current private investigator agent license; or
  (b) while under contract and supervision of a private investigator agent who:
    (i) creates a private investigation agency and receives a private investigation agency license; and
    (ii) maintains a valid and current private investigator agent license.
(3) The division may further define the scope of the private investigator apprentice license by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-92-306 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, an individual may engage in an act regulated by this chapter without being licensed under this chapter if the individual is an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department.

Enacted by Chapter 44, 2026 General Session

58-92-307 Experience requirements.

(1) In addition to the requirements of Sections 58-92-303 and 58-92-304 an applicant for:
  (a) a private investigator agent license shall demonstrate in a form the division approves a minimum of 5,000 hours of investigative experience; and
  (b) a private investigator registrant license shall demonstrate in a form the division approves a minimum of 2,000 hours of investigative experience.
(2) An applicant for a private investigator apprentice is not required to demonstrate any hours of investigative experience.
(3) An applicant may obtain the hours of investigative experience required under Subsection (1) as:
  (a) a licensed private investigator registrant or private investigator apprentice;
  (b) an investigator in the private sector;
  (c) an investigator for an agency or branch of the federal government; or
  (d) an investigator for the state, county, or municipal government.

(4) At least 1,000 hours of the investigative experience required under Subsection (1)(b) shall have been performed in the 10 years before the day on which the applicant submits an application for licensure.
(5) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from a person other than an employer covering the same subject matter for consideration by the division.
(6) The burden of proving completion of the required experience is on the applicant and the division may verify or reject any part of an applicant's certification under a rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-92-308 Examination requirements.

An applicant for a new private investigator agent license shall successfully pass an examination the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-92-309 Continuing education.

(1) On or after May 6, 2027, before renewing a license under this chapter, a licensee shall complete at least 16 hours of continuing instruction that the division defines by rule in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) The division may charge a fee for approving an applicant's out-of-state continuing education for the time the division spends determining the out-of-state continuing education's similarity to the continuing instruction the division defines by rule in Subsection (1).

Enacted by Chapter 44, 2026 General Session

58-92-310 Qualification credit for specified training.

In collaboration with the board, the division may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from meeting all or a portion of the experience requirements of Section 58-92-307 for licensure if the applicant:
(1) holds a criminal justice bachelor's degree from an accredited college or university;
(2) is certified to have successfully completed the state Peace Officers Standards and Training basic training course provided under Section 53-6-202; or
(3) provides adequate proof of having successfully completed a training or experience substantially similar to the training and experience required under this chapter.

Enacted by Chapter 44, 2026 General Session

58-92-311 Private investigation agency -- Licensure -- Requirements.

(1) A private investigator agent may create a private investigation agency that complies with the requirements of this section.
(2) If a private investigator agent creates a private investigation agency:
(a) the private investigation agency may not transfer to another private investigator agent;

(b) the private investigation agency is considered to be under the control of the private investigator agent; and
(c) the private investigator agent shall file an application with the division for a private investigation agency license.
(3) When applying for a private investigation agency license, a private investigator agent shall:
(a) state in the application that the private investigator agent:
(i) is licensed and in good standing as a private investigator agent under this chapter;
(ii) is not involved in an activity that would conflict with the private investigator agent's duties and responsibilities under this chapter; and
(iii) is not an employee of a government agency; and
(b) file with the application evidence of:
(i) registration with the Division of Corporations and Commercial Code and as required by applicable law with the:
(A) Unemployment Insurance Division in the Department of Workforce Services, in accordance with Title 35A, Chapter 4, Employment Security Act;
(B) State Tax Commission; and
(C) Internal Revenue Service; and
(ii) comprehensive general liability insurance in a form and in an amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(iii) workers' compensation insurance that covers any employee of the applicant in accordance with applicable laws of this state.
(4)
(a) The division shall issue a private investigation agency license to a private investigator agent that meets the requirements of this section.
(b) A private investigation agency license the division issues under this Subsection (4):
(i) may not transfer from the private investigator agent that receives the private investigation agency license to another private investigator agent; and
(ii) expires on the day on which the private investigator agent's license expires.
(5) On or after the day on which the division issues the private investigator agent a private investigation agency license, the private investigator agent:
(a) may:
(i) employ or contract with a private investigator agent, a private investigator registrant, or private investigator apprentice to engage in private investigation; and
(ii) employ other employees as necessary to carry out the private investigator agent's business; and
(b) shall meet with the division and the board, if requested, and demonstrate that the private investigator agent's private investigation agency meets the requirements of this section.

Enacted by Chapter 44, 2026 General Session

58-92-312 Evidence of licensure -- Identity cards.
(1) When the division issues a license under this chapter, the division shall:
(a) issue an identification card, the design of which the division shall approve by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) indicate on the identification card's face that the holder is licensed to act as a private investigator agent, a private investigator registrant, or a private investigator apprentice.
(2) The division shall issue the identification card without charge to the licensee.

(3) Within five days after the day on which a license terminates for any reason, the licensee shall mail or deliver a card issued under Subsection (1) to the division for cancellation.
(4) A licensee shall carry the identification card issued under Subsection (1) while engaging in work regulated under this chapter.
(5) A licensee shall display the license upon the request of a peace officer or a representative of the division.
(6) Upon request by a person on whose property a licensee engaging in activities governed by this chapter, or a person acting under the authority of a person on whose property the licensee engages in activities governed by this chapter, if the licensee is employed by or contracted with a private investigation agency the licensee shall immediately identify:
(a) the private investigation agency's name; and
(b) the name and phone number of the private investigator agent in control of the private investigation agency.

Enacted by Chapter 44, 2026 General Session

58-92-313 Operating standards -- Rulemaking.

The division, in collaboration with the board, shall establish by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall apply to the conduct of a licensee under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensee's practice under this chapter.

Enacted by Chapter 44, 2026 General Session

58-92-314 Status of license held on effective date of this chapter.

On or after September 1, 2026, a person that holds a valid license under Title 53, Chapter 9, Private Investigator Regulation Act:
(1) is subject to the following:
(a) if the license the person holds on September 1, 2026, is an agency license under Title 53, Chapter 9, Private Investigator Regulation Act:
(i) if the person is an entity, the person is considered to have a private investigation agency license under this chapter; or
(ii) if the person is an individual, the person is considered to have a private investigator agent license under this chapter;
(b) if the license the person holds on September 1, 2026, is a registrant license under Title 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a private investigator registrant license under this chapter; and
(c) if the license the person holds on September 1, 2026, is an apprentice license under Title 53, Chapter 9, Private Investigator Regulation Act, the person is considered to have a private investigator apprentice license under this chapter; and
(2) is subject to this chapter.

Enacted by Chapter 44, 2026 General Session

Part 4

License Denial And Discipline

58-92-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 44, 2026 General Session

Part 5
Unlawful Conduct -- Unprofessional Conduct -- Penalties

58-92-501 Unlawful conduct.

Unlawful conduct under this chapter includes:

(1) a licensee employing the services of an unlicensed person to perform work requiring a license under this chapter;

(2) an attempt to secure a license under this chapter through fraudulent or misleading means, including by:

(a) omission of material facts or evidence;

(b) filing with the division fingerprint cards for an applicant that are not the fingerprint cards of the applicant; or

(c) making a statement verbally or in written form that is false or fraudulent and intended to mislead the division in the division's consideration of the qualifications of the applicant for licensure;

(3) practicing or engaging in, or attempting to practice or engage in, an activity for which a license is required under this chapter, unless the individual:

(a) holds the appropriate license under this chapter; or

(b) is exempted from licensure as provided under Section 58-92-306;

(4) employing another person to engage in or practice, or attempt to engage in or practice, an occupation or profession licensed under this chapter, if the employee:

(a) is not licensed to do so under this chapter; or

(b) is not exempt from licensure;

(5) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement officer or employee of the United States, a state, or a political subdivision of a state; and

(6) violating, advising, encouraging, or assisting in the violation of a statute, a court order, or an injunction when engaging in conduct regulated under this chapter.

Enacted by Chapter 44, 2026 General Session

58-92-502 Unprofessional conduct.

Unprofessional conduct under this chapter includes:

(1) the use of any letterhead, advertising, or other printed matter in a manner representing that the licensee is an instrumentality of the federal government, a state, or a political subdivision of a state;

(2) the use of a name different from that under which the licensee is currently licensed for an advertisement, a solicitation, or a contract to secure business unless the name is authorized and registered as a D.B.A. with the Division of Corporations and Commercial Code;
(3) tampering with or falsifying fingerprints, photographs, or other evidence while operating under this chapter;
(4) soliciting business for an attorney in return for compensation;
(5) willfully neglecting to render to a client services or a report as agreed between the licensee and client and for which the client pays or tenders compensation in accordance with the agreement of the licensee and client unless the licensee chooses to withdraw from the case and returns the funds for work the licensee has not yet completed;
(6) engaging in the unauthorized release of:
  (a) information acquired on behalf of a client by a licensee, or the client's employee or contract agent, as a result of activities regulated under this chapter; or
  (b) a client's personal information;
(7) misrepresents, refuses, or fails to cooperate with access to business or investigative records that the division requests through an investigator or a subpoena duces tecum; and
(8) permitting, authorizing, aiding, or in any way assisting or incentivizing a person to violate the requirements of this chapter regardless of whether the licensee is an independent contractor and not under the authority of a private investigator agent.

Enacted by Chapter 44, 2026 General Session

58-92-503 Penalties.
(1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under Subsection 58-1-501(1) or Section 58-92-501 or who fails to comply with a citation issued under this section after the citation becomes final is guilty of a class A misdemeanor.
(2) The division may immediately suspend a license issued under this chapter of a person who is given a citation for engaging in unlawful acts under Subsection 58-1-501(1) or Section 58-92-501 upon determination that the nature of the action presents a reasonable ongoing threat to public health, safety, or welfare.
(3) If, upon inspection or investigation, the division determines that a person has violated Section 58-1-501, 58-92-501, or 58-92-502, or a rule the division makes or an order the division issues under Section 58-92-501 or 58-92-502, and that disciplinary action is warranted, the director or the director's designee within the division shall promptly issue a citation to the person and:
  (a) attempt to negotiate a stipulated settlement with the person; or
  (b) notify the person to appear for an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(4) The division may:
  (a) fine a person who violates Sections 58-1-501, 58-92-501, or 58-92-502, as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding held under Subsection (3)(b);
  (b) order the person to cease and desist from the violation; or
  (c) take both actions described in Subsections (4)(a) and (b).
(5) Except for a cease and desist order, the division may not impose the licensure sanctions listed in Section 58-1-401 by issuing a citation under this section.
(6) A citation under this section shall:
  (a) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or order;

(b) state that the recipient must notify the division in writing within 20 calendar days after the day on which the division issues the citation if the recipient wants to contest the citation at the adjudicative proceeding described in Subsection (3)(b);
(c) explain the consequences of failure to timely contest the citation or to make payment of a fine assessed under the citation within the time specified in the citation; and
(d) be in writing.
(7)
(a) The division may serve a citation issued under this section, or a copy of the citation, upon an individual who is subject to service of a summons under the Utah Rules of Civil Procedure.
(b) The division may serve an individual personally or serve the individual's agent.
(c) The division may serve the summons by:
(i) a division investigator;
(ii) a person designated by the director; or
(iii) mail.
(d) If within 20 days after the day on which the division serves a citation, the person to whom the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
(e) The division may grant an extension of the 20-day period described in Subsection (7)(d) for cause.
(f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.
(g) The division may not issue a citation for an alleged violation under this section after the expiration of one year after the day on which the division receives a report of the violation that is the subject of the citation.
(8)
(a) The director or the director's designee may assess a fine under this section as follows:
(i) for a first offense under Subsection (3), a fine of up to $1,000;
(ii) for a second offense under Subsection (3), a fine of up to $2,000; and
(iii) for a subsequent offense under Subsection (3), a fine of up to $2,000 for each day of continued violation.
(b) For purposes of issuing a final order under this section and assessing a fine under Subsection (8)(a), an offense is a second or subsequent offense if:
(i) the division previously issued a final order determining that a person committed a first or second offense by violating Section 58-92-501 or 58-92-502; or
(ii)
(A) the division initiated an action for a first or second offense;
(B) the division has not issued a final order in an action initiated under Subsection (8)(b)(ii)(A);
(C) the division determines during an investigation that occurred after the initiation of the action under Subsection (8)(b)(ii)(A) that the person committed a second or subsequent violation of Section 58-92-501 or 58-92-502; and
(D) after determining that the person committed a second or subsequent offense under Subsection (8)(b)(ii)(C), the division issues a final order on the action initiated under Subsection (8)(b)(ii)(A).
(c) In issuing a final order for a second or subsequent offense under Subsection (8)(b), the division shall comply with the requirements of this section.
(9)

(a) The division shall deposit a fine the director imposes under Subsection (8)(a) into the General Fund as a dedicated credit for use by the division for the purposes listed in Section 58-63-103.
(b) The director may collect a fine that a person does not pay by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty under this Subsection (9).

Enacted by Chapter 44, 2026 General Session

Part 6
Regulatory Jurisdiction

58-92-601 Preemption of local regulation.
(1) A political subdivision of this state may not enact any legislation, code, or ordinance, or make any rules relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter.
(2) Any legislation, code, ordinance, or rule made by a political subdivision of this state, relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter is superseded by this chapter.

Enacted by Chapter 44, 2026 General Session

Chapter 93
Bail Bond Licensing Act

Part 1
General Provisions

58-93-101 Definitions.
As used in this chapter:
(1) "Bail bond agency" means an entity licensed under this chapter that operates a business to carry out the functions of a bail enforcement agent or bail recovery agent, and to conduct this business, the entity:
(a) employs a qualifier;
(b) employs one or more persons licensed under this chapter for wages or salary, and withholds all legally required deductions and contributions; or
(c) contracts with a bail enforcement agent, bail recovery agent, or bail recovery apprentice on a part-time or case-by-case basis.
(2) "Bail enforcement agent" means an individual:

(a) licensed under this chapter as a bail enforcement agent to:
(i) enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding;
(ii) apprehend a defendant or surrender a defendant to custody; or
(iii) conduct an act described in Subsection (2)(a)(i) or (ii), as appropriate; and
(b) who:
(i) is appointed by a bail bond surety; and
(ii) receives or is promised consideration for the individual's service.
(3) "Bail enforcement professional" means a person licensed under this chapter.
(4) "Bail recovery agent" means an individual employed by a bail enforcement agent to assist the bail enforcement agent regarding civil or criminal defendants released on bail by:
(a) presenting a defendant for required court appearances;
(b) apprehending or surrendering a defendant to a court; or
(c) keeping the defendant under necessary surveillance.
(5) "Bail recovery apprentice" means an individual licensed under this chapter as a bail recovery apprentice who:
(a) is an employee of a licensed bail enforcement agent or bail recovery agent;
(b) is adequately supervised by rules the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(c) may wear an article of clothing that conspicuously displays on the chest and the back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent; and
(d) may not:
(i) advertise bail recovery services;
(ii) provide bail recovery services directly to a member of the public; or
(iii) employ or hire a bail enforcement agent, a bail recovery agent, or a bail recovery apprentice.
(6) "Board" means the Security Services Licensing Board created under Section 58-63-201.
(7) "Control position" means an individual that exercises direct or indirect control over a business entity regardless of form.
(8)
(a) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting from a trial or plea.
(b) "Conviction" includes the following, regardless of whether the imposition of sentence was suspended:
(i) a plea of no contest or nolo contendere;
(ii) a plea in abeyance; or
(iii) an Alford plea.
(9) "D.B.A." means the same as that term is defined in Section 42-2-101.
(10) "Occupied structure" means a building, vehicle, or other structure that could reasonably be expected to house or shelter persons.
(11) "Qualifier" means an individual who:
(a) holds a control position of a licensee under this chapter;
(b) has satisfied the requirements to obtain a license under this chapter including possessing all necessary training and experience;
(c) meets any additional license requirements the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(d)

(i) is collectively and individually liable with the licensee for compliance with this chapter; and
(ii) may be held fully responsible for a violation under this chapter, regardless of the liability of another person.

Enacted by Chapter 44, 2026 General Session

58-93-102 Use of money for education, training, and enforcement.

The division may, with the concurrence of the board, use the money collected under this chapter for the following purposes:
(1) educating and training licensees under this chapter;
(2) educating and training the general public or other interested persons in matters concerning the laws that govern the practices regulated by this chapter; and
(3) enforcing this chapter by:
(a) investigating unprofessional or unlawful conduct; and
(b) providing legal representation to the division when the division takes legal action against a person charged with unprofessional or unlawful conduct.

Enacted by Chapter 44, 2026 General Session

Part 2
Board

58-93-201 Board.

The division may appoint either a bail enforcement agent or a bail recovery agent to the Security Services Licensing Board created under Section 58-63-201.

Enacted by Chapter 44, 2026 General Session

Part 3
Licensing

58-93-301 Licensure required -- License classifications.

(1) A licensee is required to engage in an act regulated by this chapter. except as otherwise provided in this chapter.
(2) The division shall issue to a person that qualifies under this chapter a license in the following classifications:
(a) bail bond agency;
(b) bail enforcement agent;
(c) bail recovery agent; and
(d) bail recovery apprentice.

Enacted by Chapter 44, 2026 General Session

58-93-302 General qualifications for licensure.

(1) An applicant for licensure under this chapter, or the qualifier for an applicant if applicable:

(a) shall:
(i) except for an applicant for a bail recovery apprentice license, be at least 21 years old;
(ii) be a citizen or legal resident of the United States;
(iii) provide the applicant's or qualifier's name, address, date of birth, social security number, and fingerprints to the division;
(iv) disclose any criminal history the division requests on a form the division approves;
(v) consent to, and complete, a criminal background check, described in Section 58-1-301.5; and
(vi) meet any other standard related to the criminal background check described in Subsection (1)(a)(v), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) may not:
(i) have been convicted of:
(A) a felony;
(B) an act involving illegally using, carrying, or possessing a dangerous weapon;
(C) an act of personal violence or force on a person or threatening to commit an act of personal violence or force against another person;
(D) an act constituting dishonesty or fraud;
(E) impersonating a peace officer; or
(F) an act that, when considered with the functions and duties imposed by this title, and that bears a substantial relationship to the individual's ability to safely or competently perform the duties expected of a person licensed under this chapter, indicates that the best interests of the public are not served by granting the applicant a license;
(ii) be on probation, parole, community supervision, or named in an outstanding arrest warrant;
(iii) have been previously found or presently be in violation of this chapter; or
(iv) be employed as a peace officer.
(2) If currently licensed in another state or jurisdiction, the applicant or qualifier shall be in good standing within that state or jurisdiction.

Enacted by Chapter 44, 2026 General Session

58-93-303 Qualifications for licensure -- Bail bond agency.
(1) In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail bond agency shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the department under Section 63J-1-504;
(c) identify a qualifier for the applicant who:
(i) meets with the division and the board, if requested, and demonstrates that the applicant and the qualifier meet the requirements of this section;
(ii) is a resident of the state;
(iii) is licensed and in good standing as a bail enforcement agent or bail recovery agent under this chapter;
(iv) exercises material day-to-day authority in the conduct of the applicant's business by making substantive technical and administrative decisions and whose primary employment is with the applicant;
(v) is not concurrently acting as a qualifier or employee of another bail bond agency;
(vi) is not involved in an activity that would conflict with the qualifier's duties and responsibilities under this chapter; and

(vii) is not an employee of a government agency; and
(d) file and maintain with the division evidence of:
(i) comprehensive general liability insurance in a form and in an amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law;
(iii) registration with the Division of Corporations and Commercial Code; and
(iv) registration as required by applicable law with the:
(A) Unemployment Insurance Division in the Department of Workforce Services, in accordance with Title 35A, Chapter 4, Employment Security Act;
(B) State Tax Commission; and
(C) Internal Revenue Service.
(2) An application described in Subsection (1) shall include an affidavit that:
(a) lists each of the applicant's officers, owners, proprietors, trustees, and responsible management personnel; and
(b) a representative of the applicant signs and states under penalty of perjury that none of the listed parties:
(i) have been convicted of:
(A) a felony;
(B) an act involving illegally using, carrying, or possessing a dangerous weapon;
(C) an act of personal violence or force on a person or threatening to commit an act of personal violence or force against another person;
(D) an act constituting dishonesty or fraud;
(E) impersonating a peace officer; or
(F) an act that, when considered with the functions and duties of a licensee under this chapter, bears a substantial relationship to the individual's ability to safely or competently perform the duties expected of a licensee or indicates that the best interests of the public are not served by granting the applicant a license;
(ii) have been named in an outstanding arrest warrant; or
(iii) are currently on probation, parole, community supervision, or named in an outstanding arrest warrant.

Enacted by Chapter 44, 2026 General Session

58-93-304 Qualifications for licensure -- Bail enforcement agent and bail recovery agent.
(1) In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail enforcement agent or bail recovery agent shall:
(a) submit an application in a form the division approves;
(b) pay a fee determined by the division under Section 63J-1-504;
(c) file and maintain with the division evidence of a surety bond:
(i) in an amount the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(ii) that shall remain in effect throughout the applicant's entire licensing period; and
(iii) that provides that the issuer of the surety bond shall notify the division if the bond is cancelled or expires; and
(d) provide proof to the division that the applicant has met each experience requirement for a bail enforcement agent under Section 58-93-307.

(2) An applicant for a bail enforcement agent or bail recovery agent license who simultaneously acts as qualifier for a bail bond agency under Section 58-93-303, may fulfill the requirements of this section if the applicant is listed on the bail bond agency's surety bond.

Enacted by Chapter 44, 2026 General Session

58-93-305 Qualifications for licensure -- Bail recovery apprentice.

In addition to the requirements of Section 58-93-302, an applicant for licensure as a bail recovery apprentice shall:

(1) be at least 18 years old;
(2) submit an application in a form the division approves;
(3) pay a fee determined by the department under Section 63J-1-504; and
(4) identify the bail bond agency employing and responsible for supervising the applicant under Section 58-93-303.

Enacted by Chapter 44, 2026 General Session

58-93-306 Initial and continuing training requirements.

(1) An applicant under this chapter shall complete a training program of at least 16 hours the division approves in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that includes:
  (a) instruction on the duties and responsibilities of a licensee under this chapter, including:
    (i) search, seizure, and arrest procedure;
    (ii) pursuit, arrest, detainment, and transportation of a bail bond suspect; and
    (iii) specific duties and responsibilities regarding entering an occupied structure to carry out functions under this chapter;
  (b) the laws and rules relating to conduct regulated by this chapter;
  (c) the rights of the accused; and
  (d) ethics.
(2) In addition to the training program described in Subsection (1), an applicant or licensee seeking to carry a firearm as a licensee shall:
  (a) hold a valid license to carry a concealed weapon issued under Section 53-5a-303; and
  (b) successfully complete firearms training requirements the division establishes by rule in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including a minimum of 16 hours of training.
(3) Before license renewal, a licensee shall have completed at least eight hours of continuing education that the division defines by rule in collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-93-307 Experience requirements.

(1) In addition to the requirements of Section 58-93-304, an applicant for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of experience consisting of either:
  (a) actual bail recovery work; or
  (b) work as a law enforcement officer for a federal, state, or local governmental agency.
(2) In addition to the requirements of Section 58-93-304, an applicant for licensure as a bail recovery agent shall have a minimum of 1,000 hours of experience consisting of:

(a) actual bail recovery work;
(b) bail recovery work as a licensed bail recovery apprentice; or
(c) work as a law enforcement officer for a federal, state, or local governmental agency.
(3) An applicant shall substantiate the experience claimed under Subsection (1) or (2) in a form the division approves that includes:
(a) the exact details as to the character and nature of the experience; and
(b) information that will allow the division to verify the information the applicant presents.
(4) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from a person other than an employer covering the same subject matter for consideration by the division.
(5) The burden of proving completion of the required experience is on the applicant and the division may verify or reject any part of an applicant's certification under division rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 44, 2026 General Session

58-93-308 Qualification credit for specified training.

The division may adopt rules in collaboration with the board, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that exempt an applicant from meeting all or a portion of the training requirements of Section 58-93-306 or the experience requirements of Section 58-93-307 for licensure if the applicant:
(1) holds a criminal justice bachelor's degree from an accredited college or university;
(2) is certified to have successfully completed the state Peace Officers Standards and Training basic training course provided under Section 53-6-202; or
(3) provides adequate proof of having successfully completed a training or experience substantially similar to the training and experience required under Section 58-93-306 or 58-93-307.

Enacted by Chapter 44, 2026 General Session

58-93-309 Replacement of qualifier.

If the qualifier of a bail bond agency ceases to perform the qualifier's duties on a regular basis, the licensee shall:
(1) notify the division in writing within 15 days after the day on which the qualifier ceases to perform the qualifier's duties on a regular basis; and
(2) replace the qualifying agent within 60 days after the day on which the licensee notifies the division under Subsection (1).

Enacted by Chapter 44, 2026 General Session

58-93-310 Identity cards -- Evidence of licensure.

(1) When the division issues a license under this chapter, the division shall:
(a) issue an identification card the design of which the division shall approve by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(b) indicate on the identification card's face that the holder is licensed to act as a bail bond enforcement agent or bail bond recovery agent.
(2) The division shall issue an identification card under Section (1) without charge:
(a) to the licensee if the licensee is an individual; or
(b) to each licensed employee and contract employee if the licensee is a bail bond agency.

(3) An identification card issued under this section is evidence the licensee and the licensee's employees and contract employees are licensed under this chapter.
(4) Within five days after the day on which a license terminates for any reason, the licensee shall mail or deliver a card issued under Subsection (2)(a) to the division for cancellation.
(5) A licensed or contract employee shall return the identification card issued under Subsection (2)(b) upon termination of the licensed or contract employee's work relationship with the bail bond agency.
(6) A licensee shall carry the identification card issued under Subsection (1) while engaging in an activity regulated under this chapter.
(7) A licensee shall display the license upon the request of a peace officer, a representative of the division, or a member of the public.

Enacted by Chapter 44, 2026 General Session

58-93-311 Operating standards -- Rulemaking.

The division, in collaboration with the board, shall establish by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, operating standards that shall apply to the conduct of a licensee under this chapter, including rules relating to use of uniforms, badges, insignia, designations, and representations used by or associated with a licensee's practice under this chapter.

Enacted by Chapter 44, 2026 General Session

58-93-312 Status of license held on effective date of this chapter.

On or after September 1, 2026, a person that holds a valid license under Title 53, Chapter 11, Bail Bond Recovery Act:
(1) is subject to the following:
(a) if the license the person holds on September 1, 2026, is a bail bond agency license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail bond agency license under this chapter;
(b) if the license the person holds on September 1, 2026, is a bail enforcement agent license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail enforcement agent license under this chapter;
(c) if the license the person holds on September 1, 2026, is a bail recovery agent license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail recovery agent license under this chapter; and
(d) if the license the person holds on September 1, 2026, is a bail recovery apprentice license under Title 53, Chapter 11, Bail Bond Recovery Act, the person is considered to have a bail recovery apprentice license under this chapter; and
(2) is subject to this chapter.

Enacted by Chapter 44, 2026 General Session

Part 4
License Denial And Discipline

58-93-401 Grounds for denial of license -- Disciplinary proceedings.

(1) Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

(2) A bail recovery apprentice employed by a bail bond agency at the time the division suspends or revokes the bail bond agency's license may obtain a reinstatement of the bail recovery apprentice's license without fee if:

(a) the bail recovery apprentice did not engage in the conduct that led to the suspension or revocation; and

(b) the bail recovery apprentice submits documentation that a new licensed agent supervises the bail recovery apprentice.

Enacted by Chapter 44, 2026 General Session

Part 5
Unlawful Conduct -- Unprofessional Conduct -- Penalties

58-93-501 Unlawful conduct.

Unlawful conduct under this chapter includes:

(1) a bail bond agency willfully or negligently employing the services of an unlicensed individual to engage in the work of a bail enforcement professional; and

(2) an attempt to secure a license under this chapter through fraudulent or misleading means, including by:

(a) omission of material facts or evidence;

(b) filing with the division fingerprint cards for an applicant that are not the fingerprint cards of the applicant;

(c) making a statement verbally or in written form that is false or fraudulent and intended to mislead the division in the division's consideration of the qualifications of the applicant for licensure;

(d) practicing or engaging in, or attempting to practice or engage in, activity regulated by this chapter;

(e) impersonating, permitting, or aiding and abetting an employee to impersonate a law enforcement officer or employee of the United States, a state, or a political subdivision of a state;

(f) knowingly violating, advising, encouraging, or assisting in the violation of a statute, a court order, or an injunction when engaging in conduct regulated under this chapter; or

(g) knowingly employing another person to engage in or practice or attempt to engage in conduct regulated by this chapter, if the employee is not licensed to do so under this chapter.

Enacted by Chapter 44, 2026 General Session

58-93-502 Unprofessional conduct.

Unprofessional conduct under this chapter includes:

(1)

(a) failing, as a bail bond agency, to notify the division of the cessation of performance of the bail bond agency's qualifier; or
(b) failing to replace the bail bond agency's qualifier, as required under Section 58-93-309;
(2) failing to carry or display a badge issued under Section 58-93-504;
(3) employment, as a bail bond agency, or as a qualifier knowing that the individual has engaged in conduct that is inconsistent with the duties and responsibilities of a licensee under this chapter;
(4) failing to comply with operating standards established by rule;
(5) using any letterhead, advertising, or other printed matter in a manner representing that the licensee is an instrumentality of the federal government, a state, or any political subdivision of a state;
(6) using a name different from that under which the licensee is currently licensed for an advertisement, a solicitation, or a contract to secure business unless the name is a D.B.A.;
(7) falsifying fingerprints or photographs while operating under this chapter;
(8) soliciting business for an attorney in return for compensation;
(9) conviction for:
(a) a felony;
(b) an act involving illegally using, carrying, or possessing a dangerous weapon;
(c) an act involving moral turpitude;
(d) an act of personal violence or force against a person or threatening to commit an act of personal violence or force against a person;
(e) an act constituting dishonesty or fraud;
(f) impersonating a peace officer;
(g) an act of illegally obtaining or disseminating a private, controlled, or protected record under Section 63G-2-801; or
(h) if the person is a bail bond agency, failing to pay bail funds to a court upon entry of a final judgment against the bail bond agency;
(10) being placed on probation, parole, compensatory service, or named in an outstanding arrest warrant;
(11) failing or refusing to cooperate with, failing to provide truthful information to, or refusing access to an authorized representative of the division engaged in an official investigation including the wrongful withholding of materials sought by the division through a subpoena duces tecum;
(12) failure to maintain in full force the insurance and surety bond requirements of this chapter;
(13) advertising in a false, deceptive, or misleading manner;
(14) failing to identify the name, business address, and telephone number of the bail bond agency for which the licensee is an employee or an independent contractor;
(15) failing to adhere to the licensee representation, badge, and identifying clothing requirements under Section 58-93-504;
(16) failing to adhere to the requirements during search and seizure and notification of law enforcement agency provisions of Section 58-93-505; and
(17) aiding, incentivizing, encouraging, or offering material aid to any person to violate this chapter.

Enacted by Chapter 44, 2026 General Session

58-93-503 Penalties.
(1) Subject to Subsection (2), an individual who commits an act of unlawful conduct under Subsection 58-1-501(1) or Section 58-93-501 or who fails to comply with a citation issued under this section after the citation becomes final is guilty of a class A misdemeanor.

(2) The division may immediately suspend a license issued under this chapter of a person who is given a citation for engaging in unlawful acts under Subsection 58-1-501(1) or Section 58-93-501 upon determination that the nature of the action presents a reasonable ongoing threat to public health, safety, or welfare.
(3) If, upon inspection or investigation, the division determines that a person has violated Section 58-1-501, 58-93-501, or 58-93-502, a rule the division makes, or an order the division issues under Section 58-93-501 or 58-93-502, and that disciplinary action is warranted, the director or the director's designee within the division shall promptly issue a citation to the person and:
  (a) attempt to negotiate a stipulated settlement with the person; or
  (b) notify the person to appear for an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(4) The division may:
  (a) fine a person who violates Sections 58-1-501, 58-93-501, or 58-93-502, as evidenced by an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding held under Subsection (3)(b);
  (b) order the person to cease and desist from the violation; or
  (c) take both actions described in Subsections (4)(a) and (b).
(5) Except for a cease and desist order, the division may not impose the licensure sanctions listed in Section 58-1-401 by issuing a citation under this section.
(6) A citation under this section shall:
  (a) describe the nature of the violation, including a reference to the allegedly violated statute, rule, or order;
  (b) state that the recipient must notify the division in writing within 20 calendar days after the day on which the division issues the citation if the recipient wants to contest the citation at the adjudicative proceeding described in Subsection (3)(b);
  (c) explain the consequences of failure to timely contest the citation or to make a payment of a fine assessed under the citation within the time specified in the citation; and
  (d) be in writing.
(7)
  (a) The division may serve a citation issued under this section, or a copy of the citation, upon an individual who is subject to service of a summons under the Utah Rules of Civil Procedure.
  (b) The division may serve an individual personally or serve the individual's agent.
  (c) The division may serve the summons by:
    (i) a division investigator;
    (ii) a person designated by the director; or
    (iii) mail.
  (d) If within 20 days after the day on which the division serves a citation, the person to whom the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
  (e) The division may grant an extension of the 20-day period described in Subsection (7)(d) for cause.
  (f) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.
  (g) The division may not issue a citation for an alleged violation under this section after the expiration of one year after the day on which the division receives a report of the violation that is the subject of the citation.
(8)
  (a) The director or the director's designee may assess a fine under this section as follows:

(i) for a first offense under Subsection (3), a fine of up to $1,000;
(ii) for a second offense under Subsection (3), a fine of up to $2,000; and
(iii) for a subsequent offense under Subsection (3), a fine of up to $2,000 for each day of continued violation.

(b) For purposes of issuing a final order under this section and assessing a fine under Subsection (8)(a), an offense is a second or subsequent offense if:
(i) the division previously issued a final order determining that a person committed a first or second offense by violating Section 58-93-501 or 58-93-502; or
(ii)
(A) the division initiated an action for a first or second offense;
(B) the division has not issued a final order in an action initiated under Subsection (8)(b)(ii)(A);
(C) the division determines during an investigation that occurred after the initiation of the action under Subsection (8)(b)(ii)(A) that the person committed a second or subsequent violation of Section 58-93-501 or 58-93-502; and
(D) after determining that the person committed a second or subsequent offense under Subsection (8)(b)(ii)(C), the division issues a final order on the action initiated under Subsection (8)(b)(ii)(A).

(c) In issuing a final order for a second or subsequent offense under Subsection (8)(b), the division shall comply with the requirements of this section.

(9)
(a) The division shall deposit a fine the director imposes under Subsection (8)(a) into the General Fund as a dedicated credit for use by the division for the purposes listed in Section 58-63-103.
(b) The director may collect a fine that a person does not pay by:
(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
(d) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty under this Subsection (9).

Enacted by Chapter 44, 2026 General Session

58-93-504 Licensee representations as a licensee -- Badge -- Identifying clothing.

(1) A licensee under this chapter may:
(a) not wear a uniform, or use a title or identification card other than the one the division issues under this chapter; or
(b) make a statement that would lead a reasonable person to believe the licensee is connected in any way with the federal government or a state or local governmental entity, unless the licensee has received authorization in writing from one of those governmental authorities to do so.

(2) A licensee may possess a badge of a design the division and board approve for use by a licensee.

(3) The licensee shall wear the badge under Subsection (2) in a manner that prevents the accidental or inadvertent display of the badge to a person in the presence of the licensee.

(4) The licensee may display the badge under Subsection (2) only if:

(a) the licensee is also at the same time wearing an article of clothing that conspicuously displays on the chest and back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent;
(b) the licensee also displays the licensee's identification card described in Section 58-93-310:
(i) upon request, while acting as a bail enforcement agent; or
(ii) as necessary for the licensee to demonstrate authority while acting as a bail enforcement agent;
(c) the licensee is making a planned apprehension of a defendant, and the licensee is also wearing an article of clothing described in Subsection (4)(a) or (5);
(d) the licensee is making an apprehension that is unplanned and under exigent circumstances, and the licensee is not wearing clothing described in Subsection (4)(a) or (5); or
(e) the licensee is acting as a bail enforcement agent but is not engaged in a planned apprehension or in another situation that does not require that the agent be wearing clothing as described in Subsection (4)(a) or (5) in order to display the badge.
(5) A licensee may wear a jacket of a distinctive design or style that bears a printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:
(a) clearly identifies the wearer as a bail enforcement or recovery agent; and
(b) the division and the board approve.
(6) When a licensee is acting as a bail enforcement agent and interacts with a law enforcement officer, the licensee shall, at the first opportunity:
(a) identify the bail enforcement agent to the law enforcement officer; and
(b) provide identification as a bail enforcement agent.
(7) If a bail enforcement agent engages in an immediate apprehension and does not have a reasonable opportunity to wear clothing or a badge that identifies the licensee as a bail enforcement agent, the bail enforcement agent shall:
(a) identify the bail enforcement agent as a bail enforcement agent; and
(b) as soon as practicable, wear clothing that identifies the bail enforcement agent as a bail enforcement agent or a badge described in Subsection (2).

Enacted by Chapter 44, 2026 General Session

58-93-505 Requirements during search and seizure -- Notification of law enforcement agency.

(1) A bail enforcement agent, bail recovery agent, or bail recovery apprentice shall observe the following requirements when taking action authorized under this chapter:
(a) a licensee shall identify the licensee as a bail enforcement agent, bail recovery agent, or bail recovery apprentice; and
(b) the licensee shall notify the local law enforcement agency if the search or apprehension was conducted in an occupied structure within that law enforcement agency's jurisdiction as soon as reasonably possible in accordance with Subsection (2).
(2)
(a) When possible, a licensee shall notify local law enforcement under Subsection (1)(b) before taking action, but always within 4 hours after taking action.
(b) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied structure to carry out an arrest, the bail enforcement agent or bail recovery agent shall verbally advise the local law enforcement agency of the agent's location and intended action before acting.
(3) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall:

(a) carry a written document providing proof and cause for the actions the bail enforcement agent, bail recovery agent, and bail recovery apprentice takes as a licensee; and
(b) make the document described in Subsection (3)(a) available to local law enforcement agencies upon request.

Enacted by Chapter 44, 2026 General Session

Part 6
Regulatory Jurisdiction

58-93-601 State preemption of local regulation.
(1) A political subdivision of this state may not enact any legislation, code, or ordinance, or make any rules relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter.
(2) Any legislation, code, ordinance, or rule made by any political subdivision of this state, relating to the licensing, training, or regulation of a person engaging in an activity regulated under this chapter is superseded by this chapter.

Enacted by Chapter 44, 2026 General Session

Effective 1/1/2027

Chapter 94
Alarm Company Licensing Act

Effective 1/1/2027

Part 1
General Provisions

Effective 1/1/2027
58-94-101 Definitions.
As used in this chapter:
(1)
(a) "Alarm company" means a person that installs, maintains, alters, repairs, replaces, services, or monitors an alarm system.
(b) "Alarm company" does not include:
(i) a person that manufactures or sells an alarm system unless:
(A) that person installs, maintains, alters, repairs, replaces, services, or monitors the alarm system;
(B) the manufacture or sale occurs at a location other than the person's established place of business; or
(C) the manufacture or sale involves a site visit where the alarm system will be installed; or
(ii) the owner of an alarm system, or an employee of the owner of an alarm system, who installs, maintains, alters, repairs, replaces, services, or monitors the alarm system.
(2)

(a) "Alarm company agent" means an individual that an alarm company employs within this state that sells, installs, maintains, alters, repairs, replaces, services, or monitors an alarm system.
(b) "Alarm company agent" does not include an individual who does not use or have access to sensitive alarm system information.
(3) "Alarm company officer" means:
(a) a governing person, as defined in Section 16-20-101, of an alarm company;
(b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
(c) a general partner, as defined in Section 16-19-101, of an alarm company; or
(d) a partner, as defined in Section 16-18-101, of an alarm company.
(4) "Alarm company owner" means:
(a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
(i) is a corporation; and
(ii) is privately owned; or
(b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.
(5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
(6) "Alarm company trustee" means a person with control of or power of administration over an alarm company held in trust.
(7)
(a) "Alarm system" means equipment for detecting and signaling unauthorized intrusion or entry into or onto a protected premises.
(b) "Alarm system" includes a battery-charged suspended-wire system or fence that interfaces with an alarm system.
(8) "Board" means the Alarm System Security and Licensing Board created in Section 58-94-201.
(9) "Control position" means a person that exercises direct or indirect control over an entity.
(10) "Control position" includes:
(a) a corporate officer or a director;
(b) a shareholder who owns 25% or more of the stock;
(c) a partner or a member; and
(d) a qualifier.
(11) "Employee" means an individual the division defines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.
(12) "Qualifier" means the individual who has the license that allows an alarm company to engage as a licensed alarm company.
(13) "Responsible management personnel" means:
(a) a qualifier;
(b) an operations manager; or
(c) a site manager.
(14) "Sensitive alarm system information" means:
(a) a passcode or other code used in the operation of an alarm system;
(b) the location of alarm system components at the premises of a customer of the alarm company providing the alarm system;

(c) information that would allow the compromise of an alarm system of a customer of the alarm company providing the alarm system; or
(d) other similar information that the division by rule determines to be information that an individual an alarm company employs should use or have access to only if the individual is licensed in accordance with this chapter.
(15) "Substance use disorder" means the same as that term is defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.
(16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-94-501.
(17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-94-502 and as may be further defined by rule.
(18) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-102 Surcharge.

(1)
(a) The division shall collect a $1 surcharge from each applicant for an initial license, a renewal of a license, or a reinstatement of a license.
(b) The surcharge described in Subsection 58-94-102(1)(a) is in addition to other fees this chapter or the division authorizes in accordance with Section 63J-1-504.
(2)
(a) The division shall deposit the surcharge into the General Fund as a dedicated credit.
(b) The division shall use the dedicated credits to provide a licensee with access to an internet-based library of national, state, and local building codes and standards.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-103 Proof of licensure to begin or maintain litigation.

An alarm company may not bring or maintain a court action to collect compensation for work requiring a license under this chapter unless the alarm company alleges and proves that the alarm company held the required license:
(1) when entering into the contract; and
(2) when the cause of action arose.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

Part 2
Board

Effective 1/1/2027

58-94-201 Board.

(1)

(a) There is created the Alarm System Security and Licensing Board consisting of the following members:

(i) three individuals who are alarm company officers or alarm company owners;

(ii) one individual from among nominees of the Utah Peace Officers Association; and

(iii) one individual who is a member of the general public and who has never been an alarm company owner, an alarm company officer, or an alarm company agent.

(b) The Alarm System Security and Licensing Board shall designate a member to:

(i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(ii) advise the division in the division's investigation of complaints.

(c) A board member who advises in the investigation of a complaint is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

(2) The duties, functions, and responsibilities of the board include:

(a) recommending rules;

(b) recommending policy and budgetary matters;

(c) approving and establishing a passing score for applicant examinations;

(d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;

(e) establishing standards of supervision for students or individuals in training to qualify for a license as an alarm company or as an alarm company agent; and

(f) acting as the presiding officer in conducting a hearing associated with an adjudicative proceeding and in issuing recommended orders.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

Part 3
Licensing

Effective 1/1/2027

58-94-301 License required -- License classifications -- Scope.

(1)

(a) A person shall obtain a license under this chapter before engaging as an alarm company or an alarm company agent unless the person is exempt from licensure under Section 58-1-307 or 58-94-306.

(b) The only licenses required for the licensee to engage as an alarm company or an alarm company agent are:

(i) a license issued under this chapter; and

(ii) a business license from the local jurisdiction where the licensee maintains the licensee's principal place of business.

(c) The state or a political subdivision may not impose additional requirements on a licensee to do business except:

(i) contract prequalification procedures a state agency requires; or

(ii) the payment of fees a local jurisdiction makes as a condition for doing business.

(2) The division shall issue a license under this chapter to a qualified person in the following classifications:

(a) alarm company; or

(b) alarm company agent.

(3) The installation, repair, maintenance, or replacement of a battery-charged suspended-wire system or fence requires licensure under this chapter when the battery-charged suspended-wire system or fence:

(a) is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises;

(b) is located on property that is not designated by a municipality or county for residential use;

(c) is driven by a commercial storage battery that provides no more than 12 volts of direct current;

(d) is capable of producing an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission;

(e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(f) is not more than the higher of:

(i) two feet higher than the height of the nonelectric perimeter fence or wall; or

(ii) 10 feet in height;

(g) is marked with conspicuous warning signs that are located on the battery-charged suspended-wire system or fence at no more than 30-foot intervals and that read "WARNING -- ELECTRIC FENCE"; and

(h) meets rules related to battery-charged suspended-wire systems or fences that the division adopts with the board's concurrence and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-302 Licensee names -- License number use -- Qualifier.

(1) The division may not issue a license in a name that the division determines may result in confusion for the name of another licensee.

(2) Except as provided in Subsection 58-94-302(1), the division shall issue a license in the name of an alarm company if the alarm company applicant meets the requirements under this chapter.

(3) The division shall require the alarm company's license number on permit applications, contracts, agreements, or bids that require a license.

(4)

(a) The division shall require an alarm company to have a qualifier.

(b) An individual acting as a qualifier for an alarm company shall demonstrate to the division that the individual is an alarm company officer, an alarm company owner, or manager of the alarm company who exercises material authority in the conduct of the alarm company by:

(i) making substantive technical and administrative decisions relating to the work performed for which a license under this chapter is required;

(ii) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the alarm company; and

(iii) avoiding involvement in other employment or activity that conflict with the individual's duties and responsibilities to ensure the licensee does not jeopardize the public health, safety, and welfare.

(5)

(a) The division may take action against:

(i) an individual licensee that violates the requirements of this section;

(ii) a contractor licensee if the qualifier or contractor licensee violates the requirements of this section; and

(iii) a qualifier if the qualifier or contractor licensee violates the requirements of this section.

(b) The division may consider failure to comply with the requirements of this section to be unprofessional conduct by the licensee, the qualifier, or both.

(6)

(a) If a qualifier for an alarm company ceases association with the alarm company, the alarm company shall notify the division in writing within 10 days after the day on which the association ceases.

(b) If notice is given, the alarm company's license shall remain in force for 60 days after the day on which the association ceases.

(c) The division shall suspend the alarm company's license if the alarm company does not replace the original qualifier with another qualifier within the 60-day period.

(7) The division may suspend the alarm company's license if the alarm company does not notify the division of cessation of association of a qualifier.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-303 Term of license -- Expiration -- Renewal and reinstatement.

(1)

(a) The division shall issue a license for a term of two years as the division establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The division may extend or shorten a license term by up to one year to stagger renewals as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)

(a) The division shall renew or reinstate an individual license after the applicant:

(i) submits an application in the individual's name; and

(ii) meets all other requirements of this chapter.

(b) The division shall renew or reinstate an alarm company's license after the applicant:

(i) submits the application in the name of and on behalf of an alarm company;

(ii) lists the individual acting as the qualifier for the alarm company;

(iii) provides evidence that the qualifier has passed the required examination; and

(iv) meets all other requirements of this chapter.

(3) Each license expires on the expiration date shown on the license.

(4) In addition to requirements imposed by law, an applicant applying for reinstatement of a license the division suspended or revoked shall:

(a) pay fines the division imposes; and

(b) resolve outstanding citations or disciplinary actions with the division.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-304 Qualifications for licensure.

(1) Each applicant for a license as an alarm company shall:
(a) submit an application the division approves;
(b) pay the fee the division determines in accordance with Section 63J-1-504;
(c) have a qualifier who:
(i) is an alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee, or other responsible management personnel;
(ii) demonstrates 6,000 hours of experience in the alarm company business;
(iii) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business;
(iv) passes an examination the division makes in collaboration with the board;
(v) requires that each alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state:
(A) provide the individual's name, address, date of birth, social security number, and fingerprints to the division;
(B) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
(C) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
(D) disclose criminal history the division requests on a form the division approves;
(vi) documents that none of the individuals described in Subsection 58-94-304(1)(c)(v):
(A) are declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored; or
(B) are currently suffering from a substance use disorder;
(vii) files and maintains with the division evidence of:
(A) comprehensive general liability insurance in form and in amounts the division determines by rule made in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
(C) registration as is required by applicable law with the Division of Corporations and Commercial Code, the Unemployment Insurance Division in the Department of Workforce Services for purposes of Title 35A, Chapter 4, Employment Security Act, the State Tax Commission, and the Internal Revenue Service; and
(viii) meets with the division and board if the division or the board requests.
(2) Each applicant for a license as an alarm company agent shall:
(a) submit an application in a form the division approves;
(b) submit fingerprints in a form the division approves;
(c) pay the fee the division determines in accordance with Section 63J-1-504;
(d) consent to and complete a criminal background check described in Section 58-1-301.5;
(e) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(f) disclose criminal history the division requests on a form the division approves;
(g) attest the applicant has not been declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored;

(h) attest the applicant is not currently suffering from a substance use disorder; and
(i) meet with the division and board if the division or the board requests.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when the division shall check Federal Bureau of Investigation records for an alarm company or an alarm company agent applicant under this section and Section 58-1-301.5.
(4)
(a) The division shall deny an application for licensure under this chapter if:
(i) the applicant has had a previous license issued under this chapter suspended or revoked within two years before the date of the applicant's application;
(ii)
(A) the applicant is a partnership, corporation, or limited liability company; and
(B) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license the division suspended or revoked less than two years before the date of the application; or
(iii)
(A) the applicant is an individual or sole proprietorship; and
(B) any person that served in a control position in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application.
(b) The board shall review an application for licensure under this chapter before approval if:
(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application;
(ii)
(A) the applicant is a partnership, corporation, or limited liability company; and
(B) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license the division suspended or revoked less than two years before the date of the application; or
(iii)
(A) the applicant is an individual or sole proprietorship; and
(B) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license that the division suspended or revoked two years or more before the date of the application.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-94-305 Evidence of licensure.
An individual licensed as an alarm company agent shall:
(1) carry a copy of the individual's license issued under this chapter on the individual's person while engaging in an activity for which this chapter requires a license; and
(2) display the license upon the request of a peace officer, a representative of the division, or a representative of a customer of the alarm company.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-94-306 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, an individual may engage as an alarm company agent without a license if the individual is:
(1) the owner of an alarm system; or
(2) an employee of the owner of an alarm system.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027
58-94-307 Temporary permits for alarm company agents.
(1) The division may issue a temporary permit to an applicant for licensure as an alarm company agent if:
(a) the division has received a background check on the applicant from the Bureau of Criminal Identification;
(b)
(i) the applicant is or will be employed at a call center, office, or administrative facility of an alarm company; and
(ii) the applicant's only contact with a customer or potential customer of the alarm company is from the call center, office, or administrative facility; and
(c) the alarm company by which the applicant is or will be employed affirms in writing to the division that the applicant will act only within the scope of the temporary license, as provided in Subsection 58-94-307(1)(b).
(2) A temporary license shall expire on the earlier of:
(a) 90 days after the day on which the division issues the temporary permit;
(b) the date on which the individual to whom the division issues the temporary license leaves the employment of the alarm company in Subsection 58-94-307(1)(b); or
(c) the date on which the division issues a license to the applicant or denies the applicant's application.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

Part 4
License Denial And Discipline

Effective 1/1/2027
58-94-401 Investigation of regulated activity.
(1) The division is responsible for the investigation of a person or an activity that violates a provision of this chapter.
(2) A division investigation may include:
(a) a licensee allegedly engaged in unlawful or unprofessional conduct; or
(b) an unlicensed person allegedly engaged in an activity this chapter regulates and for which the division requires a license.
(3) The division shall decline to proceed with investigation of the violation of a provision of this chapter if the division finds there is no apparent material jeopardy to the public health, safety, and welfare.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

Part 5
Unlawful And Unprofessional Conduct

Effective 1/1/2027

58-94-501 Unlawful conduct.

A person engages in unlawful conduct if the person:

(1) acts as or represents that the person may act as an alarm company or alarm company agent without holding a license or qualifying for an exemption;
(2) acts as an alarm company beyond the scope of the license the person holds;
(3) willfully or deliberately misrepresents or omits a material fact when applying to obtain or renew a license;
(4) allows another person to use the person's license, except as permitted by statute or rule;
(5) does business under a name other than the name on the license, unless statute or rule allows otherwise;
(6) employs an unlicensed alarm company or an unlicensed individual as an alarm company agent, except as allowed under Section 58-1-307;
(7) files fingerprints with the division that do not belong to the applicant or are false or fraudulent with intent to mislead the division during the licensure process;
(8) allows an employee with a temporary license under Section 58-94-307 to act outside the scope of the temporary license; or
(9) as an alarm company agent with a temporary license under Section 58-94-307, acts outside the scope of the temporary license.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-502 Penalty for unlawful conduct.

An individual commits a class A misdemeanor by:

(1) violating Subsections 58-91-501(1) through 58-94-502(4), or Subsections 58-91-501(6) through 58-94-502(9); or
(2) failing to comply with a final citation issued under this section.

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-503 Unprofessional conduct.

A person engages in unprofessional conduct if the person:

(1) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to another person;
(2) commits a contract violation that threatens or potentially threatens the public health, safety, or welfare, including when the person fails to deposit funds for the benefit of an employee as required under a written contractual obligation;

(3) as an alarm company, fails to notify the division when the company's qualifier ceases to perform or fails to replace the qualifier as required under Subsection 58-91-303(6);
(4) as an alarm company agent, fails to carry or display a copy of the agent's license as required under Section 58-94-305;
(5) fails to comply with operating standards the division makes by rule;
(6) as an alarm company or alarm company agent, fails to inform a potential customer, before the customer purchases an alarm system or alarm service, about the policy of the county, city, or town where the customer resides about priority levels for responding to alarm signals transmitted by the alarm system; or
(7) fails to continuously maintain insurance and registration as required under Subsection 304(1)(c)(vii).

Enacted by Chapter 42, 2026 General Session

Effective 1/1/2027

58-94-504 Citations -- Fines -- License suspension-- License revocation.

(1) As used in this section, "qualifying violation" means a violation of:
  (a) Subsections 58-91-501(1) through 58-94-504(4), Subsection 58-91-501(6), or Subsections 58-91-501(8) through 58-94-504(9); or
  (b) Subsection 58-91-503(1).
(2)
  (a) If an investigation shows a person committed a qualifying violation, or broke a related rule or order the division issued regarding a qualifying violation, the division shall:
    (i) issue a citation;
    (ii) attempt a stipulated settlement; or
    (iii) require the person to appear in an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
  (b) The division may assess a fine and issue a cease-and-desist order based on:
    (i) an uncontested citation;
    (ii) a stipulated settlement; or
    (iii) a violation finding in an adjudicative proceeding.
(3)
  (a) Each citation shall:
    (i) be in writing;
    (ii) describe the violation with specific reference to statute, rule, or order;
    (iii) instruct the recipient to request a hearing in writing within 20 calendar days after the day on which the citation is issued if the recipient contests; and
    (iv) state the consequences of failing to contest or pay fines.
  (b) The division may serve the citation:
    (i) according to the Utah Rules of Civil Procedure;
    (ii) in person or via an agent; or
    (iii) by mail.
  (c) If the recipient does not request a hearing within 20 calendar days after the day on which the citation is issued, the citation becomes a final division order.
  (d) The division may extend the 20-calendar day period for cause.
(4)
  (a) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a person that does not comply with a final citation.

(b) The division may deny licensure after the applicant fails to comply with a final citation.
(c) The division shall issue a citation within one year of the reported violation.
(5) The director or designee shall assess a fine for a qualifying violation as follows:
(a) first offense: up to $1,000;
(b) for second offense: up to $2,000; and
(c) additional offenses: up to $2,000 per day of continued offense.
(6)
(a) The division considers a violation a second or subsequent offense if:
(i) a prior final order established a qualifying violation; or
(ii) the division initiated an action for a prior offense and later finds a second violation during a new investigation before resolving the initial case.
(b) The division shall follow this section when issuing final orders for repeated violations.
(7) If five or more years pass between violations, the division may not treat a new violation as a subsequent violation.
(8) The division may treat each instance of the same type of violation under Section 58-94-501 as a separate offense and may impose a separate penalty for each.
(9) The division may immediately suspend a license if:
(a) the licensee receives a citation for violating Section 58-94-501; or
(b) the licensee fails to:
(i) apply for a new license for a new classification or business structure; or
(ii) notify the division of a change in qualifier.

Enacted by Chapter 42, 2026 General Session