

**HEALTH CARE PATIENT PRIVACY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: Brian E. Shiozawa

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the use of body worn cameras by law enforcement in health care settings.

**Highlighted Provisions:**

This bill:

▶ amends the Government Records Access and Management Act to classify an audio or video recording created by a body worn camera in a health care setting as a protected record under the Government Records Access and Management Act; and

▶ amends Title 77, Chapter 7a, Law Enforcement Use of Body-Worn Cameras, to:  
• require certain notice to a health care provider if a body worn camera is activated in a health care setting ~~H~~→ **or in certain human service programs** ←~~H~~ ; and

• prohibits the activation of a body worn camera in a health care setting ~~H~~→ **or certain human service programs** ←~~H~~ unless the body worn camera is activated for a law enforcement encounter.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-2-305**, as last amended by Laws of Utah 2015, Chapters 147, 283, and 411



28 77-7a-102, as enacted by Laws of Utah 2016, Chapter 410  
29 77-7a-104, as enacted by Laws of Utah 2016, Chapter 410  
30 77-7a-105, as enacted by Laws of Utah 2016, Chapter 410



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 63G-2-305 is amended to read:

34 **63G-2-305. Protected records.**

35 The following records are protected if properly classified by a governmental entity:

36 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret  
37 has provided the governmental entity with the information specified in Section 63G-2-309;

38 (2) commercial information or nonindividual financial information obtained from a  
39 person if:

40 (a) disclosure of the information could reasonably be expected to result in unfair  
41 competitive injury to the person submitting the information or would impair the ability of the  
42 governmental entity to obtain necessary information in the future;

43 (b) the person submitting the information has a greater interest in prohibiting access  
44 than the public in obtaining access; and

45 (c) the person submitting the information has provided the governmental entity with  
46 the information specified in Section 63G-2-309;

47 (3) commercial or financial information acquired or prepared by a governmental entity  
48 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
49 commodities that will interfere with a planned transaction by the governmental entity or cause  
50 substantial financial injury to the governmental entity or state economy;

51 (4) records, the disclosure of which could cause commercial injury to, or confer a  
52 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
53 defined in Subsection 11-13-103(4);

54 (5) test questions and answers to be used in future license, certification, registration,  
55 employment, or academic examinations;

56 (6) records, the disclosure of which would impair governmental procurement  
57 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
58 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this

59 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
60 grant has been awarded and signed by all parties, a bid, proposal, application, or other  
61 information submitted to or by a governmental entity in response to:

- 62 (a) an invitation for bids;
- 63 (b) a request for proposals;
- 64 (c) a request for quotes;
- 65 (d) a grant; or
- 66 (e) other similar document;

67 (7) information submitted to or by a governmental entity in response to a request for  
68 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
69 the right of a person to have access to the information, after:

70 (a) a contract directly relating to the subject of the request for information has been  
71 awarded and signed by all parties; or

72 (b) (i) a final determination is made not to enter into a contract that relates to the  
73 subject of the request for information; and

74 (ii) at least two years have passed after the day on which the request for information is  
75 issued;

76 (8) records that would identify real property or the appraisal or estimated value of real  
77 or personal property, including intellectual property, under consideration for public acquisition  
78 before any rights to the property are acquired unless:

79 (a) public interest in obtaining access to the information is greater than or equal to the  
80 governmental entity's need to acquire the property on the best terms possible;

81 (b) the information has already been disclosed to persons not employed by or under a  
82 duty of confidentiality to the entity;

83 (c) in the case of records that would identify property, potential sellers of the described  
84 property have already learned of the governmental entity's plans to acquire the property;

85 (d) in the case of records that would identify the appraisal or estimated value of  
86 property, the potential sellers have already learned of the governmental entity's estimated value  
87 of the property; or

88 (e) the property under consideration for public acquisition is a single family residence  
89 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

90 the property as required under Section [78B-6-505](#);

91 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
92 compensated transaction of real or personal property including intellectual property, which, if  
93 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
94 of the subject property, unless:

95 (a) the public interest in access is greater than or equal to the interests in restricting  
96 access, including the governmental entity's interest in maximizing the financial benefit of the  
97 transaction; or

98 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
99 the value of the subject property have already been disclosed to persons not employed by or  
100 under a duty of confidentiality to the entity;

101 (10) records created or maintained for civil, criminal, or administrative enforcement  
102 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
103 release of the records:

104 (a) reasonably could be expected to interfere with investigations undertaken for  
105 enforcement, discipline, licensing, certification, or registration purposes;

106 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
107 proceedings;

108 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
109 hearing;

110 (d) reasonably could be expected to disclose the identity of a source who is not  
111 generally known outside of government and, in the case of a record compiled in the course of  
112 an investigation, disclose information furnished by a source not generally known outside of  
113 government if disclosure would compromise the source; or

114 (e) reasonably could be expected to disclose investigative or audit techniques,  
115 procedures, policies, or orders not generally known outside of government if disclosure would  
116 interfere with enforcement or audit efforts;

117 (11) records the disclosure of which would jeopardize the life or safety of an  
118 individual;

119 (12) records the disclosure of which would jeopardize the security of governmental  
120 property, governmental programs, or governmental recordkeeping systems from damage, theft,

121 or other appropriation or use contrary to law or public policy;

122 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
123 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
124 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

125 (14) records that, if disclosed, would reveal recommendations made to the Board of  
126 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
127 Board of Pardons and Parole, or the Department of Human Services that are based on the  
128 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
129 jurisdiction;

130 (15) records and audit workpapers that identify audit, collection, and operational  
131 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
132 audits or collections;

133 (16) records of a governmental audit agency relating to an ongoing or planned audit  
134 until the final audit is released;

135 (17) records that are subject to the attorney client privilege;

136 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
137 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
138 quasi-judicial, or administrative proceeding;

139 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
140 from a member of the Legislature; and

141 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
142 legislative action or policy may not be classified as protected under this section; and

143 (b) (i) an internal communication that is part of the deliberative process in connection  
144 with the preparation of legislation between:

145 (A) members of a legislative body;

146 (B) a member of a legislative body and a member of the legislative body's staff; or

147 (C) members of a legislative body's staff; and

148 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
149 legislative action or policy may not be classified as protected under this section;

150 (20) (a) records in the custody or control of the Office of Legislative Research and  
151 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

152 legislation or contemplated course of action before the legislator has elected to support the  
153 legislation or course of action, or made the legislation or course of action public; and

154 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
155 Office of Legislative Research and General Counsel is a public document unless a legislator  
156 asks that the records requesting the legislation be maintained as protected records until such  
157 time as the legislator elects to make the legislation or course of action public;

158 (21) research requests from legislators to the Office of Legislative Research and  
159 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
160 in response to these requests;

161 (22) drafts, unless otherwise classified as public;

162 (23) records concerning a governmental entity's strategy about:

163 (a) collective bargaining; or

164 (b) imminent or pending litigation;

165 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
166 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
167 Uninsured Employers' Fund, or similar divisions in other governmental entities;

168 (25) records, other than personnel evaluations, that contain a personal recommendation  
169 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
170 personal privacy, or disclosure is not in the public interest;

171 (26) records that reveal the location of historic, prehistoric, paleontological, or  
172 biological resources that if known would jeopardize the security of those resources or of  
173 valuable historic, scientific, educational, or cultural information;

174 (27) records of independent state agencies if the disclosure of the records would  
175 conflict with the fiduciary obligations of the agency;

176 (28) records of an institution within the state system of higher education defined in  
177 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
178 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
179 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
180 the final decisions about tenure, appointments, retention, promotions, or those students  
181 admitted, may not be classified as protected under this section;

182 (29) records of the governor's office, including budget recommendations, legislative

183 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
184 policies or contemplated courses of action before the governor has implemented or rejected  
185 those policies or courses of action or made them public;

186 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
187 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
188 recommendations in these areas;

189 (31) records provided by the United States or by a government entity outside the state  
190 that are given to the governmental entity with a requirement that they be managed as protected  
191 records if the providing entity certifies that the record would not be subject to public disclosure  
192 if retained by it;

193 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body  
194 except as provided in Section [52-4-206](#);

195 (33) records that would reveal the contents of settlement negotiations but not including  
196 final settlements or empirical data to the extent that they are not otherwise exempt from  
197 disclosure;

198 (34) memoranda prepared by staff and used in the decision-making process by an  
199 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
200 other body charged by law with performing a quasi-judicial function;

201 (35) records that would reveal negotiations regarding assistance or incentives offered  
202 by or requested from a governmental entity for the purpose of encouraging a person to expand  
203 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
204 person or place the governmental entity at a competitive disadvantage, but this section may not  
205 be used to restrict access to a record evidencing a final contract;

206 (36) materials to which access must be limited for purposes of securing or maintaining  
207 the governmental entity's proprietary protection of intellectual property rights including patents,  
208 copyrights, and trade secrets;

209 (37) the name of a donor or a prospective donor to a governmental entity, including an  
210 institution within the state system of higher education defined in Section [53B-1-102](#), and other  
211 information concerning the donation that could reasonably be expected to reveal the identity of  
212 the donor, provided that:

213 (a) the donor requests anonymity in writing;

214 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
215 classified protected by the governmental entity under this Subsection (37); and

216 (c) except for an institution within the state system of higher education defined in  
217 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
218 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
219 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
220 by the donor or the donor's immediate family;

221 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
222 73-18-13;

223 (39) a notification of workers' compensation insurance coverage described in Section  
224 34A-2-205;

225 (40) (a) the following records of an institution within the state system of higher  
226 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
227 or received by or on behalf of faculty, staff, employees, or students of the institution:

228 (i) unpublished lecture notes;

229 (ii) unpublished notes, data, and information:

230 (A) relating to research; and

231 (B) of:

232 (I) the institution within the state system of higher education defined in Section  
233 53B-1-102; or

234 (II) a sponsor of sponsored research;

235 (iii) unpublished manuscripts;

236 (iv) creative works in process;

237 (v) scholarly correspondence; and

238 (vi) confidential information contained in research proposals;

239 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
240 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

241 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

242 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
243 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
244 date that audit is completed and made public; and



245 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
246 Office of the Legislative Auditor General is a public document unless the legislator asks that  
247 the records in the custody or control of the Office of Legislative Auditor General that would  
248 reveal the name of a particular legislator who requests a legislative audit be maintained as  
249 protected records until the audit is completed and made public;

250 (42) records that provide detail as to the location of an explosive, including a map or  
251 other document that indicates the location of:

252 (a) a production facility; or

253 (b) a magazine;

254 (43) information:

255 (a) contained in the statewide database of the Division of Aging and Adult Services  
256 created by Section [62A-3-311.1](#); or

257 (b) received or maintained in relation to the Identity Theft Reporting Information  
258 System (IRIS) established under Section [67-5-22](#);

259 (44) information contained in the Management Information System and Licensing  
260 Information System described in Title 62A, Chapter 4a, Child and Family Services;

261 (45) information regarding National Guard operations or activities in support of the  
262 National Guard's federal mission;

263 (46) records provided by any pawn or secondhand business to a law enforcement  
264 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
265 Secondhand Merchandise Transaction Information Act;

266 (47) information regarding food security, risk, and vulnerability assessments performed  
267 by the Department of Agriculture and Food;

268 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
269 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
270 prepared or maintained by the Division of Emergency Management, and the disclosure of  
271 which would jeopardize:

272 (a) the safety of the general public; or

273 (b) the security of:

274 (i) governmental property;

275 (ii) governmental programs; or

276 (iii) the property of a private person who provides the Division of Emergency  
277 Management information;

278 (49) records of the Department of Agriculture and Food that provides for the  
279 identification, tracing, or control of livestock diseases, including any program established under  
280 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or Title 4, Chapter 31, Control  
281 of Animal Disease;

282 (50) as provided in Section 26-39-501:

283 (a) information or records held by the Department of Health related to a complaint  
284 regarding a child care program or residential child care which the department is unable to  
285 substantiate; and

286 (b) information or records related to a complaint received by the Department of Health  
287 from an anonymous complainant regarding a child care program or residential child care;

288 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
289 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
290 personal mobile phone number, if:

291 (a) the individual is required to provide the information in order to comply with a law,  
292 ordinance, rule, or order of a government entity; and

293 (b) the subject of the record has a reasonable expectation that this information will be  
294 kept confidential due to:

295 (i) the nature of the law, ordinance, rule, or order; and  
296 (ii) the individual complying with the law, ordinance, rule, or order;

297 (52) the name, home address, work addresses, and telephone numbers of an individual  
298 that is engaged in, or that provides goods or services for, medical or scientific research that is:

299 (a) conducted within the state system of higher education, as defined in Section  
300 53B-1-102; and

301 (b) conducted using animals;

302 (53) an initial proposal under Title 63N, Chapter 13, Part 2, Government Procurement  
303 Private Proposal Program, to the extent not made public by rules made under that chapter;

304 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
305 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
306 recommend that the voters retain a judge;

307 (55) information collected and a report prepared by the Judicial Performance  
308 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
309 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
310 the information or report;

311 (56) records contained in the Management Information System created in Section  
312 62A-4a-1003;

313 (57) records provided or received by the Public Lands Policy Coordinating Office in  
314 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

315 (58) information requested by and provided to the 911 Division under Section  
316 63H-7a-302;

317 (59) in accordance with Section 73-10-33:

318 (a) a management plan for a water conveyance facility in the possession of the Division  
319 of Water Resources or the Board of Water Resources; or

320 (b) an outline of an emergency response plan in possession of the state or a county or  
321 municipality;

322 (60) the following records in the custody or control of the Office of Inspector General  
323 of Medicaid Services, created in Section 63A-13-201:

324 (a) records that would disclose information relating to allegations of personal  
325 misconduct, gross mismanagement, or illegal activity of a person if the information or  
326 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
327 through other documents or evidence, and the records relating to the allegation are not relied  
328 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
329 report or final audit report;

330 (b) records and audit workpapers to the extent they would disclose the identity of a  
331 person who, during the course of an investigation or audit, communicated the existence of any  
332 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
333 regulation adopted under the laws of this state, a political subdivision of the state, or any  
334 recognized entity of the United States, if the information was disclosed on the condition that  
335 the identity of the person be protected;

336 (c) before the time that an investigation or audit is completed and the final  
337 investigation or final audit report is released, records or drafts circulated to a person who is not

338 an employee or head of a governmental entity for the person's response or information;

339 (d) records that would disclose an outline or part of any investigation, audit survey  
340 plan, or audit program; or

341 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
342 investigation or audit;

343 (61) records that reveal methods used by the Office of Inspector General of Medicaid  
344 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
345 abuse;

346 (62) information provided to the Department of Health or the Division of Occupational  
347 and Professional Licensing under Subsection 58-68-304(3) or (4);

348 (63) a record described in Section 63G-12-210;

349 (64) captured plate data that is obtained through an automatic license plate reader  
350 system used by a governmental entity as authorized in Section 41-6a-2003; [~~and~~]

351 (65) any record in the custody of the Utah Office for Victims of Crime relating to a  
352 victim, including:

353 (a) a victim's application or request for benefits;

354 (b) a victim's receipt or denial of benefits; and

355 (c) any administrative notes or records made or created for the purpose of, or used to,  
356 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
357 Reparations Fund[~~;~~]; and

358 (66) an audio or video recording created by a body-worn camera, as that term is  
359 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
360 facility as those terms are defined in Section 78B-3-403, ~~H→~~ ~~[or]~~ ~~←H~~ inside a clinic of a  
360a health care

361 provider, as that term is defined in Section 78B-3-403, ~~H→~~ or inside a human service program as  
361a that term is defined in Subsection 62A-2-101(19)(a)(vi), ~~←H~~ except for recordings that:

362 (a) depict the commission of an alleged crime;

363 (b) record any encounter between a law enforcement officer and a person that results in  
364 death or bodily injury, or includes an instance when an officer fires a weapon;

365 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
366 a law enforcement officer or law enforcement agency;

367 (d) contain an officer involved critical incident as defined in Subsection

368 76-2-408(1)(d); or

369 (e) have been requested for reclassification as a public record by a subject or  
370 authorized agent of a subject featured in the recording.

371 Section 2. Section **77-7a-102** is amended to read:

372 **77-7a-102. Body-worn cameras -- Written policies and procedures.**

373 (1) Any law enforcement agency that uses body-worn cameras shall have a written  
374 policy governing the use of body-worn cameras that is consistent with the provisions of this  
375 chapter.

376 (2) (a) Any written policy regarding the use of body-worn cameras by a law  
377 enforcement agency shall, at a minimum:

378 (i) comply with and include the requirements in this chapter; and

379 (ii) address the security, storage, and maintenance of data collected from body-worn  
380 cameras.

381 (b) [~~This~~] Except as provided in Subsection [77-7a-104\(11\)](#), this chapter does not  
382 prohibit a law enforcement agency from adopting body-worn camera policies that are more  
383 expansive than the minimum guidelines provided in this chapter.

384 (3) This chapter does not require an officer to jeopardize the safety of the public, other  
385 law enforcement officers, or himself or herself in order to activate or deactivate a body-worn  
386 camera.

387 Section 3. Section **77-7a-104** is amended to read:

388 **77-7a-104. Activation and use of body-worn cameras.**

389 (1) An officer using a body-worn camera shall verify that the equipment is properly  
390 functioning as is reasonably within the officer's ability.

391 (2) An officer shall report any malfunctioning equipment to the officer's supervisor if:

392 (a) the body-worn camera issued to the officer is not functioning properly upon initial  
393 inspection; or

394 (b) an officer determines that the officer's body-worn camera is not functioning  
395 properly at any time while the officer is on duty.

396 (3) An officer shall wear the body-worn camera so that it is clearly visible to the person  
397 being recorded.

398 (4) An officer shall activate the body-worn camera prior to any law enforcement  
399 encounter, or as soon as reasonably possible.

400 (5) An officer shall record in an uninterrupted manner until after the conclusion of a  
 401 law enforcement encounter, except as an interruption of a recording is allowed under this  
 402 section.

403 (6) When going on duty and off duty, an officer who is issued a body-worn camera  
 404 shall record the officer's name, identification number, and the current time and date, unless the  
 405 information is already available due to the functionality of the body-worn camera.

406 (7) If a body-worn camera was present during a law enforcement encounter, the officer  
 407 shall document the presence of the body-worn camera in any report or other official record of a  
 408 contact.

409 (8) When a body-worn camera has been activated, the officer may not deactivate the  
 410 body-worn camera until the officer's direct participation in the law enforcement encounter is  
 411 complete, except as provided in Subsection (9).

412 (9) An officer may deactivate a body-worn camera:

413 (a) to consult with a supervisor or another officer;

414 (b) during a significant period of inactivity; and

415 (c) during a conversation with a sensitive victim of crime, a witness of a crime, or an  
 416 individual who wishes to report or discuss criminal activity if:

417 (i) the individual who is the subject of the recording requests that the officer deactivate  
 418 the officer's body-worn camera; and

419 (ii) the officer believes that the value of the information outweighs the value of the  
 420 potential recording and records the request by the individual to deactivate the body-worn  
 421 camera.

422 (10) If an officer deactivates a body-worn camera, the officer shall document the  
 423 reason for deactivating a body-worn camera in a written report.

424 (11) (a) For purposes of this Subsection (11):

425 (i) "Health care facility" means the same as that term is defined in Section [78B-3-403](#).

426 (ii) "Health care provider" means the same as that term is defined in Section  
 427 [78B-3-403](#).

428 (iii) "Hospital" means the same as that term is defined in Section [78B-3-403](#).

428a **H→ (iv) "Human service program" means the same as that term is defined in**  
 428b **Subsection 62A-2-101(19)(a)(vi). ←H**

429 (b) An officer may not activate a body-worn camera in a hospital, health care facility,

429a **H→ human service program, ←H**

430 **or the clinic of a health care provider, except during a law enforcement encounter, and with**

431 notice under Section [77-7a-105](#).

432 Section 4. Section **77-7a-105** is amended to read:

433 **77-7a-105. Notice and privacy.**

434 (1) [~~When an~~] An officer with a body-worn camera [~~enters a private residence, the~~  
435 ~~officer~~] shall give notice, when reasonable under the circumstances[;]:

436 (a) to:

437 (i) the occupants of [~~the~~] a private residence [that] in which the officer enters and in  
438 which a body-worn camera is in use; or

439 (ii) a health care provider present at a hospital, a health care facility, ~~H~~→ human service  
439a program, ←H or a health care

440 provider's clinic in which the officer enters and in which a body-worn camera is in use; and

441 (b) either by:

442 [~~(a)~~] (i) wearing a body-worn camera in a clearly visible manner; or

443 [~~(b)~~] (ii) giving an audible notice that the officer is using a body-worn camera.

444 (2) An agency shall make the agency's policies regarding the use of body-worn cameras  
445 available to the public, and shall place the policies on the agency's public website when  
446 possible.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**