

ANTI-BOYCOTT ACT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill relates to economic and trade relations with the State of Israel.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the state from engaging in an economic boycott of the State of Israel or contracting with an entity that boycotts the State of Israel; and
- ▶ includes a severability clause.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 13-52-101**, Utah Code Annotated 1953
- 13-52-102**, Utah Code Annotated 1953
- 13-52-103**, Utah Code Annotated 1953
- 13-52-104**, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 13-52-101 is enacted to read:

29 **CHAPTER 52. ANTI-BOYCOTT ISRAEL ACT**

30 **13-52-101. Title.**

31 This chapter is known as the "Anti-Boycott Israel Act."

32 Section 2. Section 13-52-102 is enacted to read:

33 **13-52-102. Definitions.**

34 As used in this chapter:

35 (1) (a) "Boycott" means refusing to deal, terminating business activities, or taking other
36 actions that are intended to limit commercial or trade relations with an individual or entity in a
37 discriminatory manner.

38 (b) "Boycott" does not include:

39 (i) a decision based on:

40 (A) business or economic reasons; or

41 (B) specific conduct of an individual or entity; or

42 (ii) a boycott which is preempted under federal law.

43 (2) "Company" means any sole proprietorship, organization, association, corporation,
44 partnership, joint venture, limited partnership, limited liability partnership, limited liability
45 company, or other entity or business association, including wholly owned subsidiaries,
46 majority-owned subsidiaries, parent companies, or affiliates of those entities or business
47 associations.

48 (3) "Public entity" means the state, any political subdivision of the state, or any office,
49 department, division, board, agency, commission, council, authority, institution, hospital,
50 school, college, university, or other instrumentality of the state or any political subdivision.

51 Section 3. Section 13-52-103 is enacted to read:

52 **13-52-103. Prohibition of contracting with entities that boycott Israel.**

53 (1) Except as provided in Subsection (2), a public entity may not:

54 (a) engage in a boycott of Israel or Israeli-controlled territories; or

55 (b) enter into a contract with a person or company to acquire or dispose of services,
56 goods, supplies, information technology, or construction unless:

57 (i) the contract includes a written certification that the person or company is not
58 currently engaged in a boycott of Israel or Israeli-controlled territories; and

59 (ii) the person or entity agrees to not engage in a boycott of Israel or Israeli-controlled
60 territories for the duration of the contract.

61 (2) This section does not apply:

62 (a) if a company offers to provide the services, goods, supplies, information
63 technology, or construction called for in a contract for at least 20% less than any other person
64 or entity;

65 (b) to contracts with a total value of less than \$100,000; or

66 (c) to companies with less than 10 full-time employees.

67 Section 4. Section **13-52-104** is enacted to read:

68 **13-52-104. Severability.**

69 If any provision of this chapter, or the application of any provision to any person or
70 circumstance, is held invalid, the invalidity does not affect other provisions or applications of
71 this chapter that can be given effect without the invalid provision or application, and to this end
72 the provisions of this chapter are declared to be severable.

Legislative Review Note
Office of Legislative Research and General Counsel