

1                   **DISTRIBUTION OF PRESCRIPTION DRUG REBATES**

2                                   2020 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Kirk A. Cullimore**

5                   House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9           This bill addresses pharmaceutical manufacturer rebates.

10 **Highlighted Provisions:**

11           This bill:

12           ▶ creates definitions;

13           ▶ requires a pharmacy benefit manager to distribute to a health benefit plan enrollee  
14 the enrollee's rebate share attributable to a prescription drug purchased by the  
15 enrollee;

16           ▶ prohibits the disclosure of certain rebate information by an insurer, a pharmacy  
17 benefit manager, or a person that contracts with an insurer or a pharmacy benefit  
18 manager;

19           ▶ makes certain rebate information a protected record under the Government Records  
20 Access and Management Act and a trade secret; and

21           ▶ requires the Department of Insurance to make rules.

22 **Money Appropriated in this Bill:**

23           None

24 **Other Special Clauses:**

25           This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 ENACTS:



28 [31A-46-305](#), Utah Code Annotated 1953

29 AMENDS:

30 [63G-2-305](#), as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277

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

33 Section 1. Section [31A-46-305](#) is enacted to read:

34 **[31A-46-305](#). Distribution of rebates.**

35 (1) As used in this section:

36 (a) "Enrollee's cost share" means the amount of any copayment, deductible, and  
37 coinsurance owed by an enrollee for the purchase of a prescription drug.

38 (b) "Enrollee's rebate share attributable to a prescription drug" means an amount  
39 greater than or equal to the product calculated by multiplying:

40 (i) the sum of all rebates received, or to be received, in connection with the dispensing  
41 or administration of the prescription drug; and

42 (ii) the medical loss ratio for the enrollee's health benefit plan, as defined by the  
43 department under Subsection (5).

44 (c) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).

45 (2) This section applies to rebates negotiated or collected by a pharmacy benefit  
46 manager pursuant to a contract or similar arrangement between the pharmacy benefit manager  
47 and an insurer.

48 (3) (a) Except as provided in Subsection (3)(b), a pharmacy benefit manager shall  
49 distribute to an enrollee the enrollee's rebate share attributable to a prescription drug:

50 (i) at the time the enrollee purchases the prescription drug; and

51 (ii) as an offset to the enrollee's cost share for the prescription drug.

52 (b) The amount of the rebate distributed under Subsection (3)(a) may not exceed the  
53 enrollee's cost share for the prescription drug.

54 (4) (a) In carrying out the provisions of this section, a pharmacy benefit manager and  
55 any person that contracts with the pharmacy benefit manager may not publish or otherwise  
56 reveal information in a manner that reveals the actual amount of rebates that an insurer receives  
57 with respect to a specific product, manufacturer, or pharmacy.

58 (b) The information described in Subsection (4)(a) is a trade secret as defined in

59 Section 13-24-2, and may not be disclosed by the commissioner directly or indirectly.

60 (c) A pharmacy benefit manager shall require a third party that contracts with the  
61 pharmacy benefit manager to comply with the provisions of this Subsection (4) if the third  
62 party:

63 (i) performs health care or administrative services on behalf of an insurer; and

64 (ii) receives or has access to rebate information.

65 (5) The department shall define the minimum medical loss ratio under Subsection  
66 (1)(b)(ii) in a manner that is consistent with PPACA and by rule made in accordance with Title  
67 63G, Chapter 3, Utah Administrative Rulemaking Act.

68 Section 2. Section **63G-2-305** is amended to read:

69 **63G-2-305. Protected records.**

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

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

73 (2) commercial information or nonindividual financial information obtained from a  
74 person if:

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

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

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

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

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

89 (5) test questions and answers to be used in future license, certification, registration,

90 employment, or academic examinations;

91 (6) records, the disclosure of which would impair governmental procurement  
92 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
93 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
94 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
95 grant has been awarded and signed by all parties:

96 (a) a bid, proposal, application, or other information submitted to or by a governmental  
97 entity in response to:

98 (i) an invitation for bids;

99 (ii) a request for proposals;

100 (iii) a request for quotes;

101 (iv) a grant; or

102 (v) other similar document; or

103 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

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

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

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

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

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

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

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

120 (c) in the case of records that would identify property, potential sellers of the described

121 property have already learned of the governmental entity's plans to acquire the property;

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

125 (e) the property under consideration for public acquisition is a single family residence  
126 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
127 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

151 (e) reasonably could be expected to disclose investigative or audit techniques,

152 procedures, policies, or orders not generally known outside of government if disclosure would  
153 interfere with enforcement or audit efforts;

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

156 (12) records the disclosure of which would jeopardize the security of governmental  
157 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
158 or other appropriation or use contrary to law or public policy;

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

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

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

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

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

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

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

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

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

182 (A) members of a legislative body;

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

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

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

187 (20) (a) records in the custody or control of the Office of Legislative Research and  
188 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
189 legislation or contemplated course of action before the legislator has elected to support the  
190 legislation or course of action, or made the legislation or course of action public; and

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

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

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

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

200 (a) collective bargaining; or

201 (b) imminent or pending litigation;

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

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

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

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

213 (28) records of an institution within the state system of higher education defined in

214 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,  
215 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
216 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
217 the final decisions about tenure, appointments, retention, promotions, or those students  
218 admitted, may not be classified as protected under this section;

219 (29) records of the governor's office, including budget recommendations, legislative  
220 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
221 policies or contemplated courses of action before the governor has implemented or rejected  
222 those policies or courses of action or made them public;

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

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

230 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
231 public body except as provided in Section 52-4-206;

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

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

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

243 (36) materials to which access must be limited for purposes of securing or maintaining  
244 the governmental entity's proprietary protection of intellectual property rights including patents,



245 copyrights, and trade secrets;

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

250 (a) the donor requests anonymity in writing;

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

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

258 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
259 73-18-13;

260 (39) a notification of workers' compensation insurance coverage described in Section  
261 34A-2-205;

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

265 (i) unpublished lecture notes;

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

267 (A) relating to research; and

268 (B) of:

269 (I) the institution within the state system of higher education defined in Section  
270 53B-1-102; or

271 (II) a sponsor of sponsored research;

272 (iii) unpublished manuscripts;

273 (iv) creative works in process;

274 (v) scholarly correspondence; and

275 (vi) confidential information contained in research proposals;

276 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
277 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
278 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
279 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
280 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
281 date that audit is completed and made public; and  
282 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
283 Office of the Legislative Auditor General is a public document unless the legislator asks that  
284 the records in the custody or control of the Office of Legislative Auditor General that would  
285 reveal the name of a particular legislator who requests a legislative audit be maintained as  
286 protected records until the audit is completed and made public;  
287 (42) records that provide detail as to the location of an explosive, including a map or  
288 other document that indicates the location of:  
289 (a) a production facility; or  
290 (b) a magazine;  
291 (43) information:  
292 (a) contained in the statewide database of the Division of Aging and Adult Services  
293 created by Section 62A-3-311.1; or  
294 (b) received or maintained in relation to the Identity Theft Reporting Information  
295 System (IRIS) established under Section 67-5-22;  
296 (44) information contained in the Management Information System and Licensing  
297 Information System described in Title 62A, Chapter 4a, Child and Family Services;  
298 (45) information regarding National Guard operations or activities in support of the  
299 National Guard's federal mission;  
300 (46) records provided by any pawn or secondhand business to a law enforcement  
301 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
302 Secondhand Merchandise Transaction Information Act;  
303 (47) information regarding food security, risk, and vulnerability assessments performed  
304 by the Department of Agriculture and Food;  
305 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
306 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or

307 prepared or maintained by the Division of Emergency Management, and the disclosure of  
308 which would jeopardize:

- 309 (a) the safety of the general public; or
- 310 (b) the security of:
  - 311 (i) governmental property;
  - 312 (ii) governmental programs; or
  - 313 (iii) the property of a private person who provides the Division of Emergency  
314 Management information;
- 315 (49) records of the Department of Agriculture and Food that provides for the  
316 identification, tracing, or control of livestock diseases, including any program established under  
317 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
318 of Animal Disease;
- 319 (50) as provided in Section [26-39-501](#):
- 320 (a) information or records held by the Department of Health related to a complaint  
321 regarding a child care program or residential child care which the department is unable to  
322 substantiate; and
- 323 (b) information or records related to a complaint received by the Department of Health  
324 from an anonymous complainant regarding a child care program or residential child care;
- 325 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as  
326 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or  
327 personal mobile phone number, if:
  - 328 (a) the individual is required to provide the information in order to comply with a law,  
329 ordinance, rule, or order of a government entity; and
  - 330 (b) the subject of the record has a reasonable expectation that this information will be  
331 kept confidential due to:
    - 332 (i) the nature of the law, ordinance, rule, or order; and
    - 333 (ii) the individual complying with the law, ordinance, rule, or order;
- 334 (52) the portion of the following documents that contains a candidate's residential or  
335 mailing address, if the candidate provides to the filing officer another address or phone number  
336 where the candidate may be contacted:
  - 337 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,

338 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),  
339 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

340 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or

341 (c) a notice of intent to gather signatures for candidacy, described in Section  
342 [20A-9-408](#);

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

345 (a) conducted within the state system of higher education, as defined in Section  
346 [53B-1-102](#); and

347 (b) conducted using animals;

348 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance  
349 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
350 recommend that the voters retain a judge including information disclosed under Subsection  
351 [78A-12-203\(5\)\(e\)](#);

352 (55) information collected and a report prepared by the Judicial Performance  
353 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter  
354 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
355 the information or report;

356 (56) records contained in the Management Information System created in Section  
357 [62A-4a-1003](#);

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

360 (58) information requested by and provided to the 911 Division under Section  
361 [63H-7a-302](#);

362 (59) in accordance with Section [73-10-33](#):

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

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

367 (60) the following records in the custody or control of the Office of Inspector General  
368 of Medicaid Services, created in Section [63A-13-201](#):

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

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

381 (c) before the time that an investigation or audit is completed and the final  
382 investigation or final audit report is released, records or drafts circulated to a person who is not  
383 an employee or head of a governmental entity for the person's response or information;

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

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

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

391 (62) information provided to the Department of Health or the Division of Occupational  
392 and Professional Licensing under Subsection [58-68-304\(3\)](#) or (4);

393 (63) a record described in Section [63G-12-210](#);

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

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

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

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

400 (c) any administrative notes or records made or created for the purpose of, or used to,  
401 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
402 Reparations Fund;

403 (66) an audio or video recording created by a body-worn camera, as that term is  
404 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
405 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
406 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
407 that term is defined in Section 62A-2-101, except for recordings that:

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

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

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

413 (d) contain an officer involved critical incident as defined in Subsection  
414 76-2-408(1)(d); or

415 (e) have been requested for reclassification as a public record by a subject or  
416 authorized agent of a subject featured in the recording;

417 (67) a record pertaining to the search process for a president of an institution of higher  
418 education described in Section 53B-2-102, except for application materials for a publicly  
419 announced finalist; and

420 (68) an audio recording that is:

421 (a) produced by an audio recording device that is used in conjunction with a device or  
422 piece of equipment designed or intended for resuscitating an individual or for treating an  
423 individual with a life-threatening condition;

424 (b) produced during an emergency event when an individual employed to provide law  
425 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

426 (i) is responding to an individual needing resuscitation or with a life-threatening  
427 condition; and

428 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
429 individual or for treating an individual with a life-threatening condition; and

430 (c) intended and used for purposes of training emergency responders how to improve

431 their response to an emergency situation;

432 (69) records submitted by or prepared in relation to an applicant seeking a  
433 recommendation by the Research and General Counsel Subcommittee, the Budget  
434 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
435 employment position with the Legislature;

436 (70) work papers as defined in Section 31A-2-204;

437 (71) a record made available to Adult Protective Services or a law enforcement agency  
438 under Section 61-1-206;

439 (72) a record submitted to the Insurance Department in accordance with Section  
440 31A-37-201; and

441 (73) a record described in Section 31A-37-503.

442 (74) any record created by the Division of Occupational and Professional Licensing as  
443 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii); [~~and~~]

444 (75) a record described in Section 72-16-306 that relates to the reporting of an injury  
445 involving an amusement ride[-]; and

446 (76) information relating to rebates under Section 31A-46-305.

447 Section 3. **Effective date.**

448 This bill takes effect on January 1, 2021.