

1                   **HEALTH CARE WORKER PROTECTION AMENDMENTS**

2                                   2022 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Robert M. Spendlove**

5                                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **Committee Note:**

9                   The Health and Human Services Interim Committee recommended this bill.

10                   Legislative Vote: 14 voting for 0 voting against 4 absent

11   **General Description:**

12                   This bill enacts provisions relating to the assault of an owner, employee, or contractor  
13 of a health facility.

14   **Highlighted Provisions:**

15                   This bill:

16                   ▶ enacts enhanced penalties for assault or threat of violence against an owner,  
17 employee, or contractor of a health facility; and

18                   ▶ creates an automatic sunset date for the provisions in this bill.

19   **Money Appropriated in this Bill:**

20                   None

21   **Other Special Clauses:**

22                   None

23   **Utah Code Sections Affected:**

24   AMENDS:

25                   **63I-2-276**, as last amended by Laws of Utah 2019, Chapter 124

26                   **76-5-102.7**, as last amended by Laws of Utah 2017, Chapters 123 and 326



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

29 Section 1. Section **63I-2-276** is amended to read:

30 **63I-2-276. Repeal dates -- Title 76.**

31 (1) Subsection 76-5-102.7(1)(b), regarding assault or threat of violence against an  
32 owner, employee, or contractor of a health facility, is repealed January 1, 2027.

33 [(+)] (2) If Section 76-7-302.4 is not in effect before January 1, 2029, Section  
34 76-7-302.4 is repealed January 1, 2029.

35 [(2)] (3) Section 76-7-305.7 is repealed January 1, 2023.

36 Section 2. Section **76-5-102.7** is amended to read:

37 **76-5-102.7. Assault against health care provider and emergency medical service**  
38 **worker -- Penalty.**

39 (1) (a) A person who commits an assault or threat of violence against a health care  
40 provider or emergency medical service worker is guilty of a class A misdemeanor if:

41 [(a)] (i) the person is not a prisoner or a person detained under Section 77-7-15;

42 [(b)] (ii) the person knew that the victim was a health care provider or emergency  
43 medical service worker; and

44 [(c)] (iii) the health care provider or emergency medical service worker was performing  
45 emergency or life saving duties within the scope of his or her authority at the time of the  
46 assault.

47 (b) A person who commits an assault or threat of violence against an owner, employee,  
48 or contractor of a health facility is guilty of a class A misdemeanor if:

49 (i) the person is not a prisoner or a person detained under Section 77-7-15;

50 (ii) the person knew that the victim was an owner, employee, or contractor of a health  
51 facility; and

52 (iii) the owner, employee, or contractor of a health facility was acting within the scope  
53 of his or her duties for the health facility.

54 (2) A person who violates Subsection (1) is guilty of a ~~third degree~~ third-degree  
55 felony if the person:

56 (a) causes substantial bodily injury, as defined in Section 76-1-601; and

57 (b) acts intentionally or knowingly.

58 (3) As used in this section:

- 59 (a) "Assault" means the same as that term is defined in Section [76-5-102](#).
- 60 (b) "Emergency medical service worker" means a person licensed under Section
- 61 [26-8a-302](#).
- 62 (c) "Health care provider" means the same as that term is defined in Section
- 63 [78B-3-403](#).
- 64 (d) "Health facility" means:
- 65 (i) a health care facility as defined in Section [26-21-2](#); and
- 66 (ii) the office of a private health care provider, whether for individual or group
- 67 practice.
- 68 [~~(d)~~] (e) "Threat of violence" means the same as that term is defined in Section
- 69 [76-5-107](#).