

STATE ENTITY RESTRICTIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits the use of certain statements or materials by a state entity to determine employment, admission, or other benefits, and the use of certain specialized services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the use of a prohibited submission in determining employment, admission, or other benefits;
- ▶ creates a limited exception where collecting a prohibited submission is required by federal law; and
- ▶ prohibits the use of certain services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53B-27-502, Utah Code Annotated 1953

53G-2-103, Utah Code Annotated 1953



28 [63G-6a-121](#), Utah Code Annotated 1953

29 [67-27-105](#), Utah Code Annotated 1953

30

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

32 Section 1. Section **53B-27-502** is enacted to read:

33 **53B-27-502. Prohibition on use of certain submissions in higher education --**

34 **Exceptions.**

35 (1) (a) As used in this section, "prohibited submission" means a submission, statement,
36 or document that requires a person to articulate or demonstrate the person's position on a policy
37 or initiative regarding, or other consideration of, race, color, ethnicity, sex, national origin, or
38 age.

39 (b) "Prohibited submission" includes a submission, statement, or document that relates
40 to a policy, program, or initiative regarding:

41 (i) diversity, equity, and inclusion;

42 (ii) anti-racism;

43 (iii) implicit bias; or

44 (iv) critical race theory.

45 (2) An institution may not request a prohibited submission to take action with respect
46 to:

47 (a) employment, including decisions regarding:

48 (i) hiring;

49 (ii) terms of employment;

50 (iii) benefits;

51 (iv) seniority status;

52 (v) tenure;

53 (vi) promotion;

54 (vii) transfer; or

55 (viii) appointment;

56 (b) admissions and aid, including:

57 (i) admission to any program, club, or course;

58 (ii) financial or other forms of aid or assistance; or

59 (iii) other benefits from the institution for which a person is eligible; or

60 (c) degree requirements, including:

61 (i) requirements to obtain credits; or

62 (ii) requirements for graduation.

63 (3) An institution may not grant any form of preferential consideration to a person who,
64 without solicitation from the institution, provides a prohibited submission for consideration for
65 any action described in Subsection (2).

66 (4) If federal law requires an institution to accept a prohibited statement, the
67 institution:

68 (a) may accept the prohibited statement only to the extent required under federal law;

69 and

70 (b) shall limit consideration of the information contained in the prohibited statement to
71 the extent necessary to satisfy the requirement under federal law.

72 Section 2. Section **53G-2-103** is enacted to read:

73 **53G-2-103. Prohibition on use of certain submissions in public education --**

74 **Exceptions.**

75 (1) (a) As used in this section, "prohibited submission" means a submission, statement,
76 or document that requires a person to articulate or demonstrate the person's position on a policy
77 or initiative regarding, or other consideration of, race, color, ethnicity, sex, national origin, or
78 age.

79 (b) "Prohibited submission" includes a submission, statement, or document that relates
80 to a policy, program, or initiative regarding:

81 (i) diversity, equity, and inclusion;

82 (ii) anti-racism;

83 (iii) implicit bias; or

84 (iv) critical race theory.

85 (2) An LEA or district school may not request a prohibited submission to take action
86 with respect to:

87 (a) employment, including decisions regarding:

88 (i) hiring;

89 (ii) terms of employment;

- 90 (iii) benefits;
- 91 (iv) seniority status;
- 92 (v) tenure;
- 93 (vi) promotion;
- 94 (vii) transfer; or
- 95 (viii) appointment; or
- 96 (b) admissions and aid, including:
 - 97 (i) admission to any program, club, or course;
 - 98 (ii) financial or other forms of aid or assistance; and
 - 99 (iii) other benefits from the institution for which a person is eligible.

100 (3) An LEA or district school may not grant any form of preferential consideration to a
 101 person who, without solicitation from the LEA or district school, provides a prohibited
 102 submission for consideration for any action described in Subsection (2).

103 (4) If federal law requires an LEA or district school to accept a prohibited statement,
 104 the LEA or district school:

105 (a) may accept the prohibited statement only to the extent required under federal law;
 106 and

107 (b) shall limit consideration of the information contained in the prohibited statement to
 108 the extent necessary to satisfy the requirement under federal law.

109 Section 3. Section **63G-6a-121** is enacted to read:

110 **63G-6a-121. Prohibition on engaging certain services.**

111 (1) As used in this section, "prohibited service" means paid advice, analysis, or training
 112 on:

- 113 (a) diversity, equity, and inclusion;
- 114 (b) anti-racism;
- 115 (c) critical race theory;
- 116 (d) implicit bias; or
- 117 (e) a topic that is related or similar to a topic described in Subsections (1)(a) through
 118 (d).

119 (2) The following procurement units may not procure a prohibited service:

- 120 (a) an executive branch procurement unit;

121 (b) a legislative procurement unit; and

122 (c) an educational procurement unit.

123 (3) (a) Except as provided in Subsection (3)(b), this section does not affect a contract
124 entered into before May 3, 2023.

125 (b) Notwithstanding Section 63G-6a-802.7 and any other provision in this chapter, a
126 procurement unit described in Subsection (2) may not extend, expand, or renew a procurement
127 for a prohibited service that was entered into before May 3, 2023.

128 (4) (a) Notwithstanding Section 63G-6a-107.6, this section applies to a public entity's
129 acquisition of a prohibited service from another public entity.

130 (b) A procurement unit described in Subsection (2) may not accept grant funding to
131 procure a prohibited service.

132 (c) Notwithstanding Subsection 63G-6a-107.2(2), a procurement unit may not accept
133 grant funding, federal or state assistance, federal contract funds, local matching funds, or
134 federal financial participation funds:

135 (i) for a prohibited service; or

136 (ii) if the acceptance of the funds requires the procurement unit to engage or provide a
137 prohibited service.

138 Section 4. Section **67-27-105** is enacted to read:

139 **67-27-105. Prohibition on use of certain submissions by governmental employers**
140 **-- Exception.**

141 (1) As used in this section:

142 (a) (i) "Governmental employer" means any department, division, agency, commission,
143 board, council, committee, authority, or any other institution of the state.

144 (ii) "Governmental employer" does not include a political subdivision.

145 (b) (i) "Prohibited submission" means a submission, statement, or document that
146 requires a person to articulate or demonstrate the person's position on a policy or initiative
147 regarding, or other consideration of, race, color, ethnicity, sex, national origin, or age.

148 (ii) "Prohibited submission" includes a submission, statement, or document that relates
149 to a policy, program, or initiative regarding:

150 (A) diversity, equity, and inclusion;

151 (B) anti-racism;

152 (C) implicit bias; or

153 (D) critical race theory.

154 (2) A governmental employer may not request a prohibited submission to take action

155 with respect to:

156 (a) employment, including decisions regarding:

157 (i) hiring;

158 (ii) terms of employment;

159 (iii) benefits;

160 (iv) seniority status;

161 (v) tenure;

162 (vi) promotion;

163 (vii) transfer; or

164 (viii) appointment; or

165 (b) admissions and aid, including:

166 (i) admission to any program, club, or course;

167 (ii) financial or other forms of aid or assistance; and

168 (iii) other benefits from the institution for which a person is eligible.

169 (3) A governmental employer may not grant any form of preferential consideration to a

170 person who, without solicitation from the governmental employer, provides a prohibited

171 submission for any action described in Subsection (2).

172 (4) If federal law requires a governmental employer to accept a prohibited statement,

173 the governmental employer:

174 (a) may accept the prohibited statement only to the extent required under federal law;

175 and

176 (b) shall limit consideration of the information contained in the prohibited statement to

177 the extent necessary to satisfy the requirement under federal law.