

**KICKBACK PROHIBITION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Jordan D. Teuscher

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**LONG TITLE**

**General Description:**

This bill amends prohibitions on kickbacks.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "kickback or bribe"; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-3201**, as enacted by Laws of Utah 2022, Chapter 415

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

Section 1. Section **76-10-3201** is amended to read:

**76-10-3201. Prohibition on kickbacks.**

(1) As used in this section:

(a) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration, that is:



28 (i) direct or indirect;  
 29 (ii) overt or covert; or  
 30 (iii) in cash or in kind.  
 31 (b) "Kickback or bribe" does not include:  
 32 (i) a fee that is:  
 33 ~~[(i)]~~ (A) shared between two or more individuals, each of whom is licensed to practice  
 34 law; and  
 35 ~~[(i)]~~ (B) charged for services provided in the individual's capacity as a licensee  
 36 described in Subsection ~~[(1)(b)(i)]~~ (1)(b)(i)(A); ~~Ŝ→~~ or ~~←Ŝ~~  
 37 ~~Ŝ→~~ ~~[(ii) payment of a lien; or~~  
 38 ~~—[(iii)]~~ (ii) ~~←Ŝ~~ payment for medical services ~~Ŝ→~~ rendered ~~←Ŝ~~ .  
 39 (2) (a) An actor may not solicit or receive a kickback or bribe in return for the referral  
 40 of a person to another person for the furnishing of any good or service that relates to any  
 41 insurance claim or a claim for damages.  
 42 (b) An actor may not offer or pay a kickback or bribe to induce the referral of a person  
 43 to another person for the furnishing of any good or service that relates to any insurance claim or  
 44 a claim for damages.  
 45 (3) A violation of Subsection ~~[(2)(a) or (b)]~~ (2) is a third degree felony.  
 46 (4) This section does not apply to an individual licensed to practice law or a medical  
 47 provider when referring, without compensation, a client for medical treatment or evaluation.