

**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:

(i) direct or indirect;

(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 [(ii)] (B) charged for services provided in the individual's capacity as a licensee  
36 described in Subsection [(1)(b)(i)] (1)(b)(i)(A); or  
37 (ii) payment for medical services rendered.  
38 (2) (a) An actor may not solicit or receive a kickback or bribe in return for the referral  
39 of a person to another person for the furnishing of any good or service that relates to any  
40 insurance claim or a claim for damages.  
41 (b) An actor may not offer or pay a kickback or bribe to induce the referral of a person  
42 to another person for the furnishing of any good or service that relates to any insurance claim or  
43 a claim for damages.  
44 (3) A violation of Subsection [(2)(a) or (b)] (2) is a third degree felony.  
45 (4) This section does not apply to an individual licensed to practice law or a medical  
46 provider when referring, without compensation, a client for medical treatment or evaluation.