

**Representative Raymond P. Ward** proposes the following substitute bill:

**PROFESSIONAL LICENSING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to professional licensing.

**Highlighted Provisions:**

This bill:

- ▶ creates and modifies definitions;
- ▶ clarifies the purpose of recommendations provided by a professional licensing board to the director of the Division of Professional Licensing (division);
- ▶ authorizes the director of the division to designate certain professional licensing board members to preside over adjudicative proceedings concerning professional licenses;
- ▶ creates a process for review of the designated professional licensing board members' recommended order after an adjudicative proceeding;
- ▶ modifies professional license application requirements regarding proof of identity;
- ▶ allows the division to designate information regarding proof of identity that is included with a professional license application as a private government record;
- ▶ clarifies supervision requirements for a physician assistant performing a cosmetic medical procedure;
- ▶ removes provisions requiring the division to administer a radiology practical



- 26 technician examination for radiology-related license applicants;
- 27       ▶ modifies penalties for unlawful conduct by a person licensed to engage in a
- 28 construction trade;
- 29       ▶ removes requirements a licensed advanced practice registered nurse is required to
- 30 meet before prescribing or administering a Schedule II controlled substance;
- 31       ▶ prohibits a licensed advanced practice registered nurse from engaging in an
- 32 independent solo practice under certain circumstances;
- 33       ▶ removes provisions prohibiting the division from issuing a or renewing a nurse's
- 34 license for past criminal convictions;
- 35       ▶ modifies licensing requirements for certain funeral service establishments and
- 36 professionals, landscape architects, security personnel, and deception detection
- 37 examiners;
- 38       ▶ modifies background check requirements for licensed pharmacies, alarm companies,
- 39 security car companies, and deception detector examiners;
- 40       ▶ grants administrative rulemaking authority; and
- 41       ▶ makes technical changes.

42 **Money Appropriated in this Bill:**

43       None

44 **Other Special Clauses:**

45       None

46 **Utah Code Sections Affected:**

47 AMENDS:

48       **58-1-108**, as last amended by Laws of Utah 2008, Chapter 382

49       **58-1-109**, as last amended by Laws of Utah 2016, Chapter 238

50       **58-1-201**, as last amended by Laws of Utah 2013, Chapter 262

51       **58-1-202**, as last amended by Laws of Utah 2022, Chapter 415

52       **58-1-301**, as last amended by Laws of Utah 2022, Chapters 413, 415

53       **58-1-301.5**, as last amended by Laws of Utah 2022, Chapters 221, 438 and 466

54       **58-1-501**, as last amended by Laws of Utah 2020, Chapters 289, 339

55       **58-1-506**, as last amended by Laws of Utah 2016, Chapter 75

56       **58-9-306**, as last amended by Laws of Utah 2007, Chapter 144

- 57 [58-17b-102](#), as last amended by Laws of Utah 2021, Chapters 127, 340
- 58 [58-17b-306](#), as last amended by Laws of Utah 2017, Chapter 384
- 59 [58-17b-307](#), as last amended by Laws of Utah 2018, Chapter 318
- 60 [58-17b-625](#), as last amended by Laws of Utah 2021, Chapter 340
- 61 [58-31b-102](#), as last amended by Laws of Utah 2022, Chapter 277
- 62 [58-31b-302](#), as last amended by Laws of Utah 2022, Chapter 277
- 63 [58-31b-502](#), as last amended by Laws of Utah 2022, Chapter 290
- 64 [58-31b-803](#), as last amended by Laws of Utah 2022, Chapter 274
- 65 [58-53-302](#), as last amended by Laws of Utah 2009, Chapter 183
- 66 [58-54-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 67 [58-55-102](#), as last amended by Laws of Utah 2022, Chapters 415, 446
- 68 [58-55-302](#), as last amended by Laws of Utah 2022, Chapter 415
- 69 [58-55-303](#), as last amended by Laws of Utah 2013, Chapter 57
- 70 [58-55-503](#), as last amended by Laws of Utah 2022, Chapter 415
- 71 [58-63-102](#), as last amended by Laws of Utah 2022, Chapter 415
- 72 [58-63-302](#), as last amended by Laws of Utah 2022, Chapter 415
- 73 [58-64-302](#), as last amended by Laws of Utah 2020, Chapters 154, 339

74 ENACTS:

- 75 [58-55-302.1](#), Utah Code Annotated 1953
- 76 [58-63-302.1](#), Utah Code Annotated 1953
- 77 [58-64-302.1](#), Utah Code Annotated 1953



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

80 Section 1. Section **58-1-108** is amended to read:

81 **58-1-108. Adjudicative proceedings.**

82 (1) The division and all boards created under ~~[the authority of]~~ this title, including the  
83 members of a board designated under Subsection [58-1-109\(3\)](#), shall comply with the  
84 procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G,  
85 Chapter 4, Administrative Procedures Act, in all of their adjudicative proceedings as defined by  
86 Subsection [63G-4-103\(1\)](#).

87 (2) Before proceeding under Section [63G-4-502](#), the division shall review the proposed

88 action with a committee of no less than three licensees appointed by the chairman of the  
89 licensing board created under this title for the profession of the person against whom the action  
90 is proposed.

91 (3) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, a warning  
92 or final disposition letter which does not constitute disciplinary action against the addressee,  
93 issued in response to a complaint of unprofessional or unlawful conduct under this title, does  
94 not constitute an adjudicative proceeding.

95 Section 2. Section **58-1-109** is amended to read:

96 **58-1-109. Presiding officers -- Content of orders -- Recommended orders -- Final**  
97 **orders -- Appeal of orders.**

98 (1) (a) Unless otherwise specified by statute or rule made in accordance with Title 63G,  
99 Chapter 3, Utah Administrative Rulemaking Act, the presiding officer for adjudicative  
100 proceedings before the division [~~shall be~~] is the director. [~~However, pursuant to~~]

101 (b) Under Title 63G, Chapter 4, Administrative Procedures Act, the director may  
102 designate in writing an individual or body of individuals to act as presiding officer to conduct  
103 or [~~to~~] assist the director in conducting any part or all of an adjudicative proceeding.

104 (2) Unless otherwise specified by the director, an administrative law judge shall be  
105 designated as the presiding officer to conduct formal adjudicative proceedings in accordance  
106 with Subsection 63G-4-102(4), Sections 63G-4-204 through 63G-4-207, and 63G-4-209.

107 (3) (a) Unless otherwise specified by the director, the licensing board of the  
108 [~~occupation or~~] profession that is the subject of the proceedings shall be designated as the  
109 presiding officer to serve as fact finder at the evidentiary hearing in a formal adjudicative  
110 proceeding.

111 (b) (i) If the licensing board is composed of seven or more members, the director may  
112 designate any odd number of board members to represent the licensing board as the presiding  
113 officer under Subsection (3)(a).

114 (ii) Notwithstanding Subsection 58-1-201(3), the vote of the majority of the board  
115 members designated under Subsection (3)(b)(i) is sufficient authority for the licensing board to  
116 act as the presiding officer.

117 (4) (a) At the close of an evidentiary hearing in an adjudicative proceeding, unless  
118 otherwise specified by the director, the presiding officer who served as the fact finder at the

119 hearing shall issue a recommended order based ~~[upon]~~ on the record developed at the hearing  
120 determining all issues pending before the division.

121 (b) If the director designates certain licensing board members under Subsection (3)(b)  
122 to represent the licensing board described in Subsection (3)(a), the person who is aggrieved by  
123 the designated board members' recommended order may petition the licensing board to review  
124 the designated board members' recommended order.

125 (c) The licensing board shall issue a recommended order based on the review under  
126 Subsection (4)(b) that shall become the recommended order of the presiding officer.

127 (5) (a) (i) The director shall issue a final order affirming the recommended order or  
128 modifying or rejecting all or any part of the recommended order and entering new findings of  
129 fact, conclusions of law, statement of reasons, and order based ~~[upon]~~ on the director's personal  
130 attendance at the hearing or a review of the record developed at the hearing.

131 (ii) Before modifying or rejecting a recommended order, the director shall consult with  
132 the presiding officer who issued the recommended order.

133 (b) (i) If the director issues a final order modifying or rejecting a recommended order,  
134 the licensing board of the ~~[occupation or]~~ profession that is the subject of the proceeding may,  
135 by a two-thirds majority vote of all board members, petition the executive director or designee  
136 within the department to review the director's final order.

137 (ii) The executive director's decision shall become the final order of the division.

138 (c) This ~~[subsection]~~ Subsection (5) does not limit the right of the parties to appeal the  
139 director's final order by filing a request for agency review under Subsection (8).

140 (6) If the director is unable for any reason to rule ~~[upon]~~ on a recommended order of a  
141 presiding officer, the director may designate another person within the division to issue a final  
142 order.

143 (7) If the director or the director's designee does not initiate additional fact finding or  
144 issue a final order within 20 calendar days after the ~~[date of the]~~ day on which the  
145 recommended order of the presiding officer is issued, the recommended order becomes the  
146 final order of the director or the director's designee.

147 (8) The final order of the director may be appealed by filing a request for agency  
148 review with the executive director or the executive director's designee within the department.

149 (9) The content of all orders shall comply with the requirements of Subsection

150 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.

151 Section 3. Section 58-1-201 is amended to read:

152 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**  
153 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**  
154 **professional school that teaches continuing education prohibited.**

155 (1) (a) (i) The executive director shall appoint the members of the boards established  
156 under this title.

157 (ii) In appointing [~~these~~] the board members the executive director shall give  
158 consideration to recommendations by members of the respective [~~occupations and professions~~  
159 ~~and by their~~] professions and the professions' organizations.

160 (b) Each board shall be composed of five members, four of whom [~~shall be~~] are  
161 licensed or certified practitioners in good standing of the [~~occupation or~~] profession the board  
162 represents, and one of whom [~~shall be~~] is a member of the general public, unless otherwise  
163 provided under the specific licensing chapter.

164 (c) (i) The name of each [~~person~~] individual appointed to a board shall be submitted to  
165 the governor for confirmation or rejection.

166 (ii) If an appointee is rejected by the governor, the executive director shall appoint  
167 another [~~person~~] individual in the same manner as set forth in Subsection (1)(a).

168 (2) (a) (i) Except as required by Subsection (2)(b), as terms of current board members  
169 expire, the executive director shall appoint each new board member or reappointed board  
170 member to a four-year term.

171 (ii) Upon the expiration of the term of a board member, the board member shall  
172 continue to serve until a successor is appointed, but for a period not to exceed six months from  
173 the expiration date of the board member's term.

174 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,  
175 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
176 of board members are staggered so that approximately half of the board is appointed every two  
177 years.

178 (c) A board member may not serve more than two consecutive terms, and a board  
179 member who ceases to serve on a board may not serve again on that board until after the  
180 expiration of a two-year period beginning from that cessation of service.

181 (d) (i) When a vacancy occurs in the board membership for any reason, the  
182 replacement shall be appointed for the unexpired term.

183 (ii) After filling that term, the replacement board member may be appointed for only  
184 one additional full term.

185 (e) The director, with the approval of the executive director, may remove a board  
186 member and replace the board member in accordance with this section for the following  
187 reasons:

188 (i) the board member fails or refuses to fulfill the responsibilities and duties of a board  
189 member, including attendance at board meetings;

190 (ii) the board member engages in unlawful or unprofessional conduct; or

191 (iii) if appointed to the board position as a licensed member of the board, the board  
192 member fails to maintain a license that is active and in good standing.

193 (3) (a) A majority of the board members constitutes a quorum.

194 (b) [~~A~~] Except as provided in Subsection 58-1-109(3), a quorum is sufficient authority  
195 for the board to act.

196 (4) A board member may not receive compensation or benefits for the board member's  
197 service, but may receive per diem and travel expenses in accordance with:

198 (a) Section 63A-3-106;

199 (b) Section 63A-3-107; and

200 (c) rules made by the Division of Finance [~~pursuant to~~] under Sections 63A-3-106 and  
201 63A-3-107.

202 (5) Each board shall annually designate one of [~~its~~] the board's members to serve as  
203 chair for a one-year period.

204 (6) A board member may not be a member of the faculty of, or have a financial interest  
205 in, a vocational or professional college or school that provides continuing education to any  
206 licensee if that continuing education is required by statute or rule made in accordance with  
207 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

208 Section 4. Section 58-1-202 is amended to read:

209 **58-1-202. Boards -- Duties, functions, and responsibilities.**

210 (1) [~~The~~] Except as provided in Subsection (2), the duties, functions, and  
211 responsibilities of each board established under this title include the following:

212 (a) recommending to the director appropriate rules and statutory changes to improve  
213 the health, safety, and financial welfare of the public, including changes to remove regulations  
214 that are no longer necessary or effective in protecting the public and enhancing commerce;

215 (b) recommending to the director policy and budgetary matters;

216 (c) approving and establishing a passing score for applicant examinations;

217 (d) screening applicants and recommending licensing, renewal, reinstatement, and  
218 relicensure actions to the director in writing;

219 (e) assisting the director in establishing standards of supervision for students or persons  
220 in training to become qualified to obtain a license in the [~~occupation or~~] profession [it] the  
221 board represents; and

222 (f) in accordance with Section 58-1-109, acting as presiding officer in conducting  
223 hearings associated with adjudicative proceedings and in issuing recommended orders when so  
224 designated by the director.

225 (2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah  
226 Construction Trades Licensing Act.

227 (3) (a) Each board or commission established under this title may recommend to the  
228 appropriate legislative committee whether the board or commission supports a change to a  
229 licensing act.

230 (b) This Subsection (3) does not:

231 (i) require a board's approval to amend a practice act; [~~and~~] or

232 (ii) apply to technical or clarifying amendments to a practice act.

233 Section 5. Section **58-1-301** is amended to read:

234 **58-1-301. License application -- Licensing procedure.**

235 (1) (a) Each license applicant shall apply to the division in writing upon forms  
236 available from the division.

237 (b) Each completed application shall:

238 (i) contain documentation of the particular qualifications required of the applicant  
239 under this title or rules made by the division in accordance with Title 63G, Chapter 3, Utah  
240 Administrative Rulemaking Act;

241 (ii) include the applicant's;

242 (A) full legal name; and



243 (B) social security number, or other satisfactory evidence of the applicant's identity  
244 permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah  
245 Administrative Rulemaking Act;

246 (iii) be verified by the applicant; and  
247 (iv) be accompanied by the appropriate fees.

248 (c) An applicant's social security number is a private record under Subsection  
249 [63G-2-302\(1\)\(i\)](#).

250 (d) The division may designate an applicant's evidence of identity under Subsection  
251 (1)(b)(ii)(B) as a private record in accordance with Section [63G-2-302](#).

252 (2) (a) The division shall issue a license to an applicant who submits a complete  
253 application if the division determines that the applicant meets the qualifications of licensure.

254 (b) The division shall provide a written notice of additional proceedings to an applicant  
255 who submits a complete application, but who has been, is, or will be placed under investigation  
256 by the division for conduct directly bearing upon the applicant's qualifications for licensure, if  
257 the outcome of additional proceedings is required to determine the division's response to the  
258 application.

259 (c) The division shall provide a written notice of denial of licensure to an applicant  
260 who submits a complete application if the division determines that the applicant does not meet  
261 the qualifications of licensure.

262 (d) The division shall provide a written notice of incomplete application and  
263 conditional denial of licensure to an applicant who submits an incomplete application, which  
264 notice shall advise the applicant that the application is incomplete and that the application is  
265 denied, unless the applicant corrects the deficiencies within the time period specified in the  
266 notice and otherwise meets all qualifications for licensure.

267 (3) The division may only issue a license to an applicant under this title if the applicant  
268 meets the requirements for that license as established under this title and by division rule made  
269 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

270 (4) If an applicant meets all requirements for a specific license, the division shall issue  
271 the license to the applicant.

272 (5) (a) As used in this Subsection (5):

273 (i) (A) "Competency-based licensing requirement" means a practical assessment of

274 knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation  
275 or profession regulated by this title, and which the director determines is at least as effective as  
276 a time-based licensing requirement at demonstrating proficiency and protecting the health and  
277 safety of the public.

278 (B) "Competency-based licensing requirement" may include any combination of  
279 training, experience, testing, or observation.

280 (ii) (A) "Time-based licensing requirement" means a specific number of hours, weeks,  
281 months, or years of education, training, supervised training, or other experience that an  
282 applicant for licensure under this title is required to complete before receiving a license under  
283 this title.

284 (B) "Time-based licensing requirement" does not include an associate degree, a  
285 bachelor's degree, or a graduate degree from an accredited institution of higher education.

286 (b) Subject to Subsection (5)(c), for an occupation or profession regulated by this title  
287 that has a time-based licensing requirement, the director, after consultation with the appropriate  
288 board, may by division rule made in accordance with Title 63G, Chapter 3, Utah  
289 Administrative Rulemaking Act, allow an applicant to complete a competency-based licensing  
290 requirement as an alternative to completing the time-based licensing requirement.

291 (c) If a time-based licensing requirement involves a program that must be approved or  
292 accredited by a specific entity or board, the director may only allow an applicant to complete a  
293 competency-based licensing requirement as an alternative to completing the time-based  
294 licensing requirement under Subsection (5)(b) if the competency-based requirement is  
295 approved or accredited by the specific entity or board as a replacement or alternative to the  
296 time-based licensing requirement.

297 Section 6. Section **58-1-301.5** is amended to read:

298 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

299 (1) The division shall have direct access to local files maintained by the Bureau of  
300 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,  
301 for background screening of individuals who are applying for licensure, licensure renewal,  
302 licensure reinstatement, or relicensure, as required in:

303 (a) ~~[Section]~~ Sections 58-17b-306 and 58-17b-307;

304 (b) Sections 58-24b-302 and 58-24b-302.1;

- 305 (c) Section [58-31b-302](#);
- 306 (d) Sections [58-42a-302](#) and [58-42a-302.1](#), of Chapter 42a, Occupational Therapy
- 307 Practice Act;
- 308 (e) Section [58-44a-302.1](#);
- 309 (f) Section [58-47b-302](#);
- 310 (g) Section [58-55-302](#), as Section [58-55-302](#) applies to alarm companies and alarm
- 311 company agents, and Section [58-55-302.1](#);
- 312 (h) Sections [58-60-103.1](#), [58-60-205](#), [58-60-305](#), and [58-60-405](#), of Chapter 60, Mental
- 313 Health Professional Practice Act;
- 314 (i) Sections [58-61-304](#) and [58-61-304.1](#);
- 315 (j) [~~Section~~] Sections [58-63-302](#) and [58-63-302.1](#);
- 316 (k) [~~Section~~] Sections [58-64-302](#) and [58-64-302.1](#);
- 317 (l) Sections [58-67-302](#) and [58-67-302.1](#); and
- 318 (m) Sections [58-68-302](#) and [58-68-302.1](#).
- 319 (2) The division's access to criminal background information under this section:
- 320 (a) shall meet the requirements of Section [53-10-108](#); and
- 321 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
- 322 held in abeyance, dismissed charges, and charges without a known disposition.
- 323 (3) The division may not disseminate outside of the division any criminal history
- 324 record information that the division obtains from the Bureau of Criminal Identification or the
- 325 Federal Bureau of Investigation under the criminal background check requirements of this
- 326 section.
- 327 Section 7. Section **58-1-501** is amended to read:
- 328 **58-1-501. Unlawful and unprofessional conduct.**
- 329 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful
- 330 under this title and includes:
- 331 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
- 332 attempting to practice or engage in any [~~occupation or~~] profession requiring licensure under
- 333 this title if the person is:
- 334 (i) not licensed to do so or not exempted from licensure under this title; or
- 335 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,

336 probationary, or inactive license;

337 (b) (i) impersonating another licensee or practicing [~~an occupation or~~] a profession  
338 under a false or assumed name, except as permitted by law; or

339 (ii) for a licensee who has had a license under this title reinstated following disciplinary  
340 action, practicing the same [~~occupation or~~] profession using a different name than the name  
341 used before the disciplinary action, except as permitted by law and after notice to, and approval  
342 by, the division;

343 (c) knowingly employing any other person to practice or engage in or attempt to  
344 practice or engage in any [~~occupation or~~] profession licensed under this title if the employee is  
345 not licensed to do so under this title;

346 (d) knowingly permitting the person's authority to practice or engage in any  
347 [~~occupation or~~] profession licensed under this title to be used by another, except as permitted  
348 by law;

349 (e) obtaining a passing score on a licensure examination, applying for or obtaining a  
350 license, or otherwise dealing with the division or a licensing board through the use of fraud,  
351 forgery, or intentional deception, misrepresentation, misstatement, or omission;

352 (f) (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a  
353 drug or device to a person located in this state:

354 (A) without prescriptive authority conferred by a license issued under this title, or by  
355 an exemption to licensure under this title; or

356 (B) with prescriptive authority conferred by an exception issued under this title or a  
357 multistate practice privilege recognized under this title, if the prescription was issued without  
358 first obtaining information, in the usual course of professional practice, that is sufficient to  
359 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the  
360 proposed treatment; and

361 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call  
362 or cross coverage situation, provided that the person who issues the prescription has  
363 prescriptive authority conferred by a license under this title, or is exempt from licensure under  
364 this title; or

365 (g) aiding or abetting any other person to violate any statute, rule, or order regulating  
366 [~~an occupation or~~] a profession under this title.

367 (2) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined  
368 as unprofessional conduct under this title or under any rule adopted under this title and  
369 includes:

370 (a) violating any statute, rule, or order regulating ~~[an occupation or]~~ a profession under  
371 this title;

372 (b) violating, or aiding or abetting any other person to violate, any generally accepted  
373 professional or ethical standard applicable to ~~[an occupation or]~~ a profession regulated under  
374 this title;

375 (c) subject to the provisions of Subsection (4), engaging in conduct that results in  
376 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in  
377 abeyance pending the successful completion of probation with respect to a crime ~~[of moral~~  
378 ~~turpitude or any other crime]~~ that, when considered with the functions and duties of the  
379 ~~[occupation or]~~ profession for which the license was issued or is to be issued, bears a  
380 substantial relationship to the licensee's or applicant's ability to safely or competently practice  
381 the ~~[occupation or]~~ profession;

382 (d) engaging in conduct that results in disciplinary action, including reprimand,  
383 censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory  
384 authority having jurisdiction over the licensee or applicant in the same ~~[occupation or]~~  
385 profession if the conduct would, in this state, constitute grounds for denial of licensure or  
386 disciplinary proceedings under Section 58-1-401;

387 (e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar  
388 chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the  
389 ability of the licensee or applicant to safely engage in the ~~[occupation or]~~ profession;

390 (f) practicing or attempting to practice ~~[an occupation or]~~ a profession regulated under  
391 this title despite being physically or mentally unfit to do so;

392 (g) practicing or attempting to practice ~~[an occupation or]~~ a profession regulated under  
393 this title through gross incompetence, gross negligence, or a pattern of incompetency or  
394 negligence;

395 (h) practicing or attempting to practice ~~[an occupation or]~~ a profession requiring  
396 licensure under this title by any form of action or communication which is false, misleading,  
397 deceptive, or fraudulent;

398 (i) practicing or attempting to practice [~~an occupation or~~] a profession regulated under  
399 this title beyond the scope of the licensee's competency, abilities, or education;

400 (j) practicing or attempting to practice [~~an occupation or~~] a profession regulated under  
401 this title beyond the scope of the licensee's license;

402 (k) verbally, physically, mentally, or sexually abusing or exploiting any person through  
403 conduct connected with the licensee's practice under this title or otherwise facilitated by the  
404 licensee's license;

405 (l) acting as a supervisor without meeting the qualification requirements for that  
406 position that are defined by statute or rule;

407 (m) issuing, or aiding and abetting in the issuance of, an order or prescription for a  
408 drug or device:

409 (i) without first obtaining information in the usual course of professional practice, that  
410 is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to  
411 the proposed treatment; or

412 (ii) with prescriptive authority conferred by an exception issued under this title, or a  
413 multi-state practice privilege recognized under this title, if the prescription was issued without  
414 first obtaining information, in the usual course of professional practice, that is sufficient to  
415 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the  
416 proposed treatment;

417 (n) violating a provision of Section [58-1-501.5](#); or

418 (o) violating the terms of an order governing a license.

419 (3) Unless otherwise specified by statute or administrative rule, in a civil or  
420 administrative proceeding commenced by the division under this title, a person subject to any  
421 of the unlawful and unprofessional conduct provisions of this title is strictly liable for each  
422 violation.

423 (4) The following are not evidence of engaging in unprofessional conduct under  
424 Subsection (2)(c):

425 (a) an arrest not followed by a conviction; or

426 (b) a conviction for which an individual's incarceration has ended more than seven  
427 years before the date of the division's consideration, unless:

428 (i) after the incarceration the individual has engaged in additional conduct that results

429 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is  
430 held in abeyance pending the successful completion of probation; or

431 (ii) the conviction was for:

432 (A) a violent felony as defined in Section [76-3-203.5](#);

433 (B) a felony related to a criminal sexual act [~~pursuant to~~] under Title 76, Chapter 5,  
434 Part 4, Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or

435 (C) a felony related to criminal fraud or embezzlement, including a felony [~~pursuant to~~]  
436 under Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.

437 Section 8. Section **58-1-506** is amended to read:

438 **58-1-506. Supervision of cosmetic medical procedures.**

439 (1) For purposes of this section:

440 (a) "Delegation group A" means the following who are licensed under this title, acting  
441 within their respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii):

442 (i) a physician assistant, if acting [~~under the supervision of a physician and the~~  
443 ~~procedure is included in the delegation of services agreement as defined in Section [58-70a-102](#)~~]  
444 in accordance with Chapter 70a, Utah Physician Assistant Act;

445 (ii) a registered nurse;

446 (iii) a master esthetician; and

447 (iv) an electrologist, if evaluating for or performing laser hair removal.

448 (b) "Delegation group B" means:

449 (i) a practical nurse or an esthetician who is licensed under this title, acting within their  
450 respective scopes of practice, and qualified under Subsections (2)(f)(i) and (iii); and

451 (ii) a medical assistant who is qualified under Subsections (2)(f)(i) and (iii).

452 (c) "Direct cosmetic medical procedure supervision" means the supervisor:

453 (i) has authorized the procedure to be done on the patient by the supervisee; and

454 (ii) is present and available for a face-to-face communication with the supervisee when  
455 and where a cosmetic medical procedure is performed.

456 (d) "General cosmetic medical procedure supervision" means the supervisor:

457 (i) has authorized the procedure to be done on the patient by the supervisee;

458 (ii) is available in a timely and appropriate manner in person to evaluate and initiate  
459 care for a patient with a suspected adverse reaction or complication; and

460 (iii) is located within 60 minutes or 60 miles of the cosmetic medical facility.

461 (e) "Hair removal review" means:

462 (i) conducting an in-person, face-to-face interview of a patient based on the responses  
463 provided by the patient to a detailed medical history assessment that was prepared by the  
464 supervisor;

465 (ii) evaluating for contraindications and conditions that are part of the treatment plan;  
466 and

467 (iii) if the patient history or patient presentation deviates in any way from the treatment  
468 plan, referring the patient to the supervisor and receiving clearance from the supervisor before  
469 starting the treatment.

470 (f) "Indirect cosmetic medical procedure supervision" means the supervisor:

471 (i) has authorized the procedure to be done on the patient by the supervisee;  
472 (ii) has given written instructions to the person being supervised;  
473 (iii) is present within the cosmetic medical facility in which the person being  
474 supervised is providing services; and

475 (iv) is available to:

476 (A) provide immediate face-to-face communication with the person being supervised;  
477 and

478 (B) evaluate the patient, as necessary.

479 (2) A supervisor supervising a nonablative cosmetic medical procedure for hair  
480 removal shall:

481 (a) have an unrestricted license to practice medicine or advanced practice registered  
482 nursing in the state;

483 (b) develop the medical treatment plan for the procedure;

484 (c) conduct a hair removal review, or delegate the hair removal review to a member of  
485 delegation group A, of the patient prior to initiating treatment or a series of treatments;

486 (d) personally perform the nonablative cosmetic medical procedure for hair removal, or  
487 authorize and delegate the procedure to a member of delegation group A or B;

488 (e) during the nonablative cosmetic medical procedure for hair removal provide general  
489 cosmetic medical procedure supervision to individuals in delegation group A performing the  
490 procedure, except physician assistants, who shall ~~[be supervised as provided in]~~ act in



491 accordance with Chapter 70a, Utah Physician Assistant Act, and indirect cosmetic medical  
492 procedure supervision to individuals in delegation group B performing the procedure; and

493 (f) verify that a person to whom the supervisor delegates an evaluation under  
494 Subsection (2)(c) or delegates a procedure under Subsection (2)(d) or (3)(c)(ii):

495 (i) has received appropriate training regarding the medical procedures developed under  
496 Subsection (2)(b);

497 (ii) has an unrestricted license under this title or is performing under the license of the  
498 supervising physician and surgeon; and

499 (iii) has maintained competence to perform the nonablative cosmetic medical  
500 procedure through documented education and experience of at least 80 hours, as further  
501 defined by rule, regarding:

502 (A) the appropriate standard of care for performing nonablative cosmetic medical  
503 procedures;

504 (B) physiology of the skin;

505 (C) skin typing and analysis;

506 (D) skin conditions, disorders, and diseases;

507 (E) pre- and post-procedure care;

508 (F) infection control;

509 (G) laser and light physics training;

510 (H) laser technologies and applications;

511 (I) safety and maintenance of lasers;

512 (J) cosmetic medical procedures an individual is permitted to perform under this title;

513 (K) recognition and appropriate management of complications from a procedure; and

514 (L) cardiopulmonary resuscitation (CPR).

515 (3) For a nonablative cosmetic medical procedure other than hair removal under  
516 Subsection (2):

517 (a) a physician who has an unrestricted license to practice medicine, a nurse  
518 practitioner who has an unrestricted license for advanced practice registered nursing, or a  
519 physician assistant acting [~~under the supervision of a physician, with the procedure included in~~  
520 ~~the delegation of service agreement as defined in Section 58-70a-102]~~ in accordance with  
521 Chapter 70a, Utah Physician Assistant Act, who has an unrestricted license to practice as a

522 physician assistant, shall:

523 (i) develop a treatment plan for the nonablative cosmetic medical procedure; and

524 (ii) conduct an in-person face-to-face evaluation of the patient prior to the initiation of  
525 a treatment protocol or series of treatments; and

526 (b) a nurse practitioner or physician assistant conducting an in-person face-to-face  
527 evaluation of a patient under Subsection (3)(a)(ii) prior to removing a tattoo shall:

528 (i) inspect the patient's skin for any discoloration unrelated to the tattoo and any other  
529 indication of cancer or other condition that should be treated or further evaluated before the  
530 tattoo is removed;

531 (ii) refer a patient with any such condition to a physician for treatment or further  
532 evaluation; and

533 (iii) shall not supervise a nonablative cosmetic medical procedure to remove a tattoo on  
534 the patient until the patient has been approved for the tattoo removal by a physician who has  
535 evaluated the patient; and

536 (c) the supervisor supervising the procedure shall:

537 (i) have an unrestricted license to practice medicine or advanced practice registered  
538 nursing;

539 (ii) personally perform the nonablative cosmetic medical procedure or:

540 (A) authorize and provide general cosmetic medical procedure supervision for the  
541 nonablative cosmetic medical procedure that is performed by a registered nurse or a master  
542 esthetician;

543 (B) authorize and provide supervision as provided in Chapter 70a, Utah Physician  
544 Assistant Act, for the nonablative cosmetic medical procedure that is performed by a physician  
545 assistant~~[, if the procedure is included in the delegation of services agreement];~~ or

546 (C) authorize and provide direct cosmetic medical procedure supervision for the  
547 nonablative cosmetic medical procedure that is performed by an esthetician; and

548 (iii) verify that a person to whom the supervisor delegates a procedure under  
549 Subsection (3)(c):

550 (A) has received appropriate training regarding the medical procedures to be  
551 performed;

552 (B) has an unrestricted license and is acting within the person's scope of practice under

553 this title; and

554 (C) is qualified under Subsection (2)(f)(iii).

555 (4) A supervisor performing or supervising a cosmetic medical procedure under  
556 Subsection (2) or (3) shall ensure that:

557 (a) the supervisor's name is prominently posted at the cosmetic medical facility  
558 identifying the supervisor;

559 (b) a copy of the supervisor's license is displayed on the wall of the cosmetic medical  
560 facility;

561 (c) the patient receives written information with the name and licensing information of  
562 the supervisor who is supervising the nonablative cosmetic medical procedure and the person  
563 who is performing the nonablative cosmetic medical procedure;

564 (d) the patient is provided with a telephone number that is answered within 24 hours  
565 for follow-up communication; and

566 (e) the cosmetic medical facility's contract with a master esthetician who performs a  
567 nonablative cosmetic medical procedure at the facility is kept on the premises of the facility.

568 (5) Failure to comply with the provisions of this section is unprofessional conduct.

569 (6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
570 Act, is not subject to the supervision requirements in this section for a nonablative cosmetic  
571 medical procedure for hair removal if the chiropractic physician is acting within the scope of  
572 practice of a chiropractic physician and with training specific to nonablative hair removal.

573 Section 9. Section **58-9-306** is amended to read:

574 **58-9-306. License by endorsement.**

575 The division may issue a license by endorsement under this chapter to a person who:

576 (1) provides documentation that the funeral service director's current licensure is  
577 active, in good standing, and free from any disciplinary action;

578 (2) submits an application on a form provided by the division;

579 (3) pays a fee determined by the department;

580 (4) ~~[is of good moral character in that the person]~~ has not been convicted of:

581 (a) a first or second degree felony; or

582 ~~[(b) a misdemeanor involving moral turpitude; or]~~

583 ~~[(c)]~~ (b) ~~[any other]~~ crime that when considered with the duties and responsibilities of

584 the license for which the person is applying is considered by the division and the board to  
585 indicate that the best interests of the public are not served by granting the applicant a license;

586 (5) has completed five years of lawful and active practice as a licensed funeral service  
587 director and embalmer within the 10 years immediately preceding the application for licensure  
588 by endorsement;

589 (6) has passed a national examination determined by the division; and

590 (7) has demonstrated competency of the laws and the rules of the state as determined  
591 by the division.

592 Section 10. Section **58-17b-102** is amended to read:

593 **58-17b-102. Definitions.**

594 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

595 (1) "Administering" means:

596 (a) the direct application of a prescription drug or device, whether by injection,  
597 inhalation, ingestion, or by any other means, to the body of a human patient or research subject  
598 by another person; or

599 (b) the placement by a veterinarian with the owner or caretaker of an animal or group  
600 of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other  
601 means directed to the body of the animal by the owner or caretaker in accordance with written  
602 or verbal directions of the veterinarian.

603 (2) "Adulterated drug or device" means a drug or device considered adulterated under  
604 21 U.S.C. Sec. 351 (2003).

605 (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for  
606 the purpose of analysis.

607 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs  
608 used as standards and controls in performing drug monitoring or drug screening analysis if the  
609 prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid  
610 components, organic solvents, or inorganic buffers at a concentration not exceeding one  
611 milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic  
612 use.

613 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by  
614 the use of prescription drugs.

615 (5) "Automated pharmacy systems" includes mechanical systems which perform  
616 operations or activities, other than compounding or administration, relative to the storage,  
617 packaging, dispensing, or distribution of medications, and which collect, control, and maintain  
618 all transaction information.

619 (6) "Beyond use date" means the date determined by a pharmacist and placed on a  
620 prescription label at the time of dispensing that indicates to the patient or caregiver a time  
621 beyond which the contents of the prescription are not recommended to be used.

622 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created  
623 in Section [58-17b-201](#).

624 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically  
625 underserved area, used for the storage and dispensing of prescription drugs, which is dependent  
626 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and  
627 approved by the division as the parent pharmacy.

628 (9) "Centralized prescription processing" means the processing by a pharmacy of a  
629 request from another pharmacy to fill or refill a prescription drug order or to perform  
630 processing functions such as dispensing, drug utilization review, claims adjudication, refill  
631 authorizations, and therapeutic interventions.

632 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a  
633 retail pharmacy to compound or dispense a drug or dispense a device to the public under a  
634 prescription order.

635 (11) "Class B pharmacy":

636 (a) means a pharmacy located in Utah:

637 (i) that is authorized to provide pharmaceutical care for patients in an institutional  
638 setting; and

639 (ii) whose primary purpose is to provide a physical environment for patients to obtain  
640 health care services; and

641 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

642 (ii) pharmaceutical administration and sterile product preparation facilities.

643 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture,  
644 production, wholesale, or distribution of drugs or devices in Utah.

645 (13) "Class D pharmacy" means a nonresident pharmacy.

646 (14) "Class E pharmacy" means all other pharmacies.

647 (15) (a) "Closed-door pharmacy" means a pharmacy that:

648 (i) provides pharmaceutical care to a defined and exclusive group of patients who have  
649 access to the services of the pharmacy because they are treated by or have an affiliation with a  
650 specific entity, including a health maintenance organization or an infusion company; or

651 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in  
652 retail customers.

653 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods  
654 to the general public, or the office of a practitioner.

655 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or  
656 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or  
657 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical  
658 care functions authorized by the practitioner or practitioners under certain specified conditions  
659 or limitations.

660 (17) "Collaborative pharmacy practice agreement" means a written and signed  
661 agreement between one or more pharmacists and one or more practitioners that provides for  
662 collaborative pharmacy practice for the purpose of drug therapy management of patients and  
663 prevention of disease of human subjects.

664 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or  
665 labeling of a limited quantity drug, sterile product, or device:

666 (i) as the result of a practitioner's prescription order or initiative based on the  
667 practitioner, patient, or pharmacist relationship in the course of professional practice;

668 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and  
669 not for sale or dispensing; or

670 (iii) in anticipation of prescription drug orders based on routine, regularly observed  
671 prescribing patterns.

672 (b) "Compounding" does not include:

673 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to  
674 another pharmacist or pharmaceutical facility;

675 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a  
676 dosage form which is regularly and commonly available from a manufacturer in quantities and

677 strengths prescribed by a practitioner; or

678 (iii) the preparation of a prescription drug, sterile product, or device which has been  
679 withdrawn from the market for safety reasons.

680 (19) "Confidential information" has the same meaning as "protected health  
681 information" under the Standards for Privacy of Individually Identifiable Health Information,  
682 45 C.F.R. Parts 160 and 164.

683 (20) "Controlled substance" means the same as that term is defined in Section 58-37-2.

684 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter  
685 417, Sec. 3a(ff) which is incorporated by reference.

686 (22) "Dispense" means the interpretation, evaluation, and implementation of a  
687 prescription drug order or device or nonprescription drug or device under a lawful order of a  
688 practitioner in a suitable container appropriately labeled for subsequent administration to or use  
689 by a patient, research subject, or an animal.

690 (23) "Dispensing medical practitioner" means an individual who is:

691 (a) currently licensed as:

692 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

693 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical  
694 Practice Act;

695 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

696 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or

697 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the optometrist  
698 is acting within the scope of practice for an optometrist; and

699 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice  
700 of a dispensing medical practitioner.

701 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy  
702 located within a licensed dispensing medical practitioner's place of practice.

703 (25) "Distribute" means to deliver a drug or device other than by administering or  
704 dispensing.

705 (26) (a) "Drug" means:

706 (i) a substance recognized in the official United States Pharmacopoeia, official  
707 Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any

708 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or  
709 prevention of disease in humans or animals;

710 (ii) a substance that is required by any applicable federal or state law or rule to be  
711 dispensed by prescription only or is restricted to administration by practitioners only;

712 (iii) a substance other than food intended to affect the structure or any function of the  
713 body of humans or other animals; and

714 (iv) substances intended for use as a component of any substance specified in  
715 Subsections (26)(a)(i), (ii), (iii), and (iv).

716 (b) "Drug" does not include dietary supplements.

717 (27) "Drug regimen review" includes the following activities:

718 (a) evaluation of the prescription drug order and patient record for:

719 (i) known allergies;

720 (ii) rational therapy-contraindications;

721 (iii) reasonable dose and route of administration; and

722 (iv) reasonable directions for use;

723 (b) evaluation of the prescription drug order and patient record for duplication of  
724 therapy;

725 (c) evaluation of the prescription drug order and patient record for the following  
726 interactions:

727 (i) drug-drug;

728 (ii) drug-food;

729 (iii) drug-disease; and

730 (iv) adverse drug reactions; and

731 (d) evaluation of the prescription drug order and patient record for proper utilization,  
732 including over- or under-utilization, and optimum therapeutic outcomes.

733 (28) "Drug sample" means a prescription drug packaged in small quantities consistent  
734 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to  
735 be sold, and is intended to be provided to practitioners for the immediate needs of patients for  
736 trial purposes or to provide the drug to the patient until a prescription can be filled by the  
737 patient.

738 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound,



739 symbol, or process attached to or logically associated with a record and executed or adopted by  
740 a person with the intent to sign the record.

741 (30) "Electronic transmission" means transmission of information in electronic form or  
742 the transmission of the exact visual image of a document by way of electronic equipment.

743 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to  
744 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health  
745 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

746 (32) "Legend drug" has the same meaning as prescription drug.

747 (33) "Licensed pharmacy technician" means an individual licensed with the division,  
748 that may, under the supervision of a pharmacist, perform the activities involved in the  
749 technician practice of pharmacy.

750 (34) "Manufacturer" means a person or business physically located in Utah licensed to  
751 be engaged in the manufacturing of drugs or devices.

752 (35) (a) "Manufacturing" means:

753 (i) the production, preparation, propagation, conversion, or processing of a drug or  
754 device, either directly or indirectly, by extraction from substances of natural origin or  
755 independently by means of chemical or biological synthesis, or by a combination of extraction  
756 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling  
757 or relabeling of its container; and

758 (ii) the promotion and marketing of such drugs or devices.

759 (b) "Manufacturing" includes the preparation and promotion of commercially available  
760 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

761 (c) "Manufacturing" does not include the preparation or compounding of a drug by a  
762 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,  
763 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical  
764 analysis.

765 (36) "Medical order" means a lawful order of a practitioner which may include a  
766 prescription drug order.

767 (37) "Medication profile" or "profile" means a record system maintained as to drugs or  
768 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze  
769 the profile to provide pharmaceutical care.

770 (38) "Misbranded drug or device" means a drug or device considered misbranded under  
771 21 U.S.C. Sec. 352 (2003).

772 (39) (a) "Nonprescription drug" means a drug which:

773 (i) may be sold without a prescription; and

774 (ii) is labeled for use by the consumer in accordance with federal law.

775 (b) "Nonprescription drug" includes homeopathic remedies.

776 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a  
777 person in Utah.

778 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.

779 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located  
780 outside the state that is licensed and in good standing in another state, that:

781 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in  
782 this state pursuant to a lawfully issued prescription;

783 (b) provides information to a patient in this state on drugs or devices which may  
784 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;  
785 or

786 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic  
787 effects of drugs.

788 (43) "Patient counseling" means the written and oral communication by the pharmacist  
789 or pharmacy intern of information, to the patient or caregiver, in order to ensure proper use of  
790 drugs, devices, and dietary supplements.

791 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in  
792 which:

793 (a) prescription drugs or devices are held, stored, or are otherwise under the control of  
794 the facility or agency for administration to patients of that facility or agency;

795 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist  
796 or pharmacy intern with whom the facility has established a prescription drug supervising  
797 relationship under which the pharmacist or pharmacy intern provides counseling to the facility  
798 or agency staff as required, and oversees drug control, accounting, and destruction; and

799 (c) prescription drugs are professionally administered in accordance with the order of a  
800 practitioner by an employee or agent of the facility or agency.

801 (45) (a) "Pharmaceutical care" means carrying out the following in collaboration with a  
802 prescribing practitioner, and in accordance with division rule:

803 (i) designing, implementing, and monitoring a therapeutic drug plan intended to  
804 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing  
805 the patient's disease;

806 (ii) eliminating or reducing a patient's symptoms; or

807 (iii) arresting or slowing a disease process.

808 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a  
809 prescribing practitioner.

810 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,  
811 distributing, manufacturing, or wholesaling of prescription drugs or devices within or into this  
812 state.

813 (47) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility  
814 engaged in the business of wholesale vending or selling of a prescription drug or device to  
815 other than a consumer or user of the prescription drug or device that the pharmaceutical facility  
816 has not produced, manufactured, compounded, or dispensed.

817 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical  
818 facility carrying out the following business activities:

819 (i) intracompany sales;

820 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
821 purchase, or trade a prescription drug or device, if the activity is carried out between one or  
822 more of the following entities under common ownership or common administrative control, as  
823 defined by division rule:

824 (A) hospitals;

825 (B) pharmacies;

826 (C) chain pharmacy warehouses, as defined by division rule; or

827 (D) other health care entities, as defined by division rule;

828 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
829 purchase, or trade a prescription drug or device, for emergency medical reasons, including  
830 supplying another pharmaceutical facility with a limited quantity of a drug, if:

831 (A) the facility is unable to obtain the drug through a normal distribution channel in

832 sufficient time to eliminate the risk of harm to a patient that would result from a delay in  
833 obtaining the drug; and

834 (B) the quantity of the drug does not exceed an amount reasonably required for  
835 immediate dispensing to eliminate the risk of harm;

836 (iv) the distribution of a prescription drug or device as a sample by representatives of a  
837 manufacturer; and

838 (v) the distribution of prescription drugs, if:

839 (A) the facility's total distribution-related sales of prescription drugs does not exceed  
840 5% of the facility's total prescription drug sales; and

841 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

842 (48) "Pharmacist" means an individual licensed by this state to engage in the practice  
843 of pharmacy.

844 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing  
845 who accepts responsibility for the operation of a pharmacy in conformance with all laws and  
846 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally  
847 in full and actual charge of the pharmacy and all personnel.

848 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or  
849 more years of licensed experience. The preceptor serves as a teacher, example of professional  
850 conduct, and supervisor of interns in the professional practice of pharmacy.

851 (51) "Pharmacy" means any place where:

852 (a) drugs are dispensed;

853 (b) pharmaceutical care is provided;

854 (c) drugs are processed or handled for eventual use by a patient; or

855 (d) drugs are used for the purpose of analysis or research.

856 (52) "Pharmacy benefits manager or coordinator" means a person or entity that  
857 provides a pharmacy benefits management service as defined in Section [31A-46-102](#) on behalf  
858 of a self-insured employer, insurance company, health maintenance organization, or other plan  
859 sponsor, as defined by rule.

860 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice  
861 as a pharmacy intern.

862 (54) "Pharmacy manager" means:

- 863           (a) a pharmacist-in-charge;
- 864           (b) a licensed pharmacist designated by a licensed pharmacy to consult on the
- 865 pharmacy's administration;
- 866           (c) an individual who manages the facility in which a licensed pharmacy is located;
- 867           (d) an individual who oversees the operations of a licensed pharmacy;
- 868           (e) an immediate supervisor of an individual described in Subsections (54)(a) through
- 869 (d); or
- 870           (f) another operations or site manager of a licensed pharmacy.

871           (55) "Pharmacy technician training program" means an approved technician training  
 872 program providing education for pharmacy technicians.

873           ~~[(55)]~~ (56) (a) "Practice as a dispensing medical practitioner" means the practice of  
 874 pharmacy, specifically relating to the dispensing of a prescription drug in accordance with Part  
 875 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, and  
 876 division rule adopted after consultation with the Board of pharmacy and the governing boards  
 877 of the practitioners described in Subsection (23)(a).

- 878           (b) "Practice as a dispensing medical practitioner" does not include:
- 879           (i) using a vending type of dispenser as defined by the division by administrative rule;
- 880           or
- 881           (ii) except as permitted by Section [58-17b-805](#), dispensing of a controlled substance as
- 882 defined in Section [58-37-2](#).

883           ~~[(56)]~~ (57) "Practice as a licensed pharmacy technician" means engaging in practice as  
 884 a pharmacy technician under the general supervision of a licensed pharmacist and in  
 885 accordance with a scope of practice defined by division rule made in collaboration with the  
 886 board.

887           ~~[(57)]~~ (58) "Practice of pharmacy" includes the following:

- 888           (a) providing pharmaceutical care;
- 889           (b) collaborative pharmacy practice in accordance with a collaborative pharmacy
- 890 practice agreement;
- 891           (c) compounding, packaging, labeling, dispensing, administering, and the coincident
- 892 distribution of prescription drugs or devices, provided that the administration of a prescription
- 893 drug or device is:

- 894 (i) pursuant to a lawful order of a practitioner when one is required by law; and  
895 (ii) in accordance with written guidelines or protocols:  
896 (A) established by the licensed facility in which the prescription drug or device is to be  
897 administered on an inpatient basis; or  
898 (B) approved by the division, in collaboration with the board and, when appropriate,  
899 the Physicians Licensing Board, created in Section 58-67-201, if the prescription drug or device  
900 is to be administered on an outpatient basis solely by a licensed pharmacist;  
901 (d) participating in drug utilization review;  
902 (e) ensuring proper and safe storage of drugs and devices;  
903 (f) maintaining records of drugs and devices in accordance with state and federal law  
904 and the standards and ethics of the profession;  
905 (g) providing information on drugs or devices, which may include advice relating to  
906 therapeutic values, potential hazards, and uses;  
907 (h) providing drug product equivalents;  
908 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy  
909 technicians;  
910 (j) providing patient counseling, including adverse and therapeutic effects of drugs;  
911 (k) providing emergency refills as defined by rule;  
912 (l) telepharmacy;  
913 (m) formulary management intervention;  
914 (n) prescribing and dispensing a self-administered hormonal contraceptive in  
915 accordance with Title 26, Chapter 64, Family Planning Access Act; and  
916 (o) issuing a prescription in accordance with Section 58-17b-627.  
917 [~~58~~] (59) "Practice of telepharmacy" means the practice of pharmacy through the use  
918 of telecommunications and information technologies.  
919 [~~59~~] (60) "Practice of telepharmacy across state lines" means the practice of  
920 pharmacy through the use of telecommunications and information technologies that occurs  
921 when the patient is physically located within one jurisdiction and the pharmacist is located in  
922 another jurisdiction.  
923 [~~60~~] (61) "Practitioner" means an individual currently licensed, registered, or  
924 otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the

925 course of professional practice.

926 ~~[(61)]~~ (62) "Prescribe" means to issue a prescription:

927 (a) orally or in writing; or

928 (b) by telephone, facsimile transmission, computer, or other electronic means of

929 communication as defined by division rule.

930 ~~[(62)]~~ (63) "Prescription" means an order issued:

931 (a) by a licensed practitioner in the course of that practitioner's professional practice or  
932 by collaborative pharmacy practice agreement; and

933 (b) for a controlled substance or other prescription drug or device for use by a patient  
934 or an animal.

935 ~~[(63)]~~ (64) "Prescription device" means an instrument, apparatus, implement, machine,  
936 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
937 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
938 and dispensed by or through a person or entity licensed under this chapter or exempt from  
939 licensure under this chapter.

940 ~~[(64)]~~ (65) "Prescription drug" means a drug that is required by federal or state law or  
941 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

942 ~~[(65)]~~ (66) "Repackage":

943 (a) means changing the container, wrapper, or labeling to further the distribution of a  
944 prescription drug; and

945 (b) does not include:

946 (i) Subsection ~~[(65)(a)]~~ (66)(a) when completed by the pharmacist responsible for  
947 dispensing the product to a patient; or

948 (ii) changing or altering a label as necessary for a dispensing practitioner under Part 8,  
949 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, for  
950 dispensing a product to a patient.

951 ~~[(66)]~~ (67) "Research using pharmaceuticals" means research:

952 (a) conducted in a research facility, as defined by division rule, that is associated with a  
953 university or college in the state accredited by the Northwest Commission on Colleges and  
954 Universities;

955 (b) requiring the use of a controlled substance, prescription drug, or prescription

956 device;

957 (c) that uses the controlled substance, prescription drug, or prescription device in  
958 accordance with standard research protocols and techniques, including, if required, those  
959 approved by an institutional review committee; and

960 (d) that includes any documentation required for the conduct of the research and the  
961 handling of the controlled substance, prescription drug, or prescription device.

962 [~~(67)~~] (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription  
963 drugs and devices to the general public.

964 [~~(68)~~] (69) (a) "Self-administered hormonal contraceptive" means a self-administered  
965 hormonal contraceptive that is approved by the United States Food and Drug Administration to  
966 prevent pregnancy.

967 (b) "Self-administered hormonal contraceptive" includes an oral hormonal  
968 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

969 (c) "Self-administered hormonal contraceptive" does not include any drug intended to  
970 induce an abortion, as that term is defined in Section 76-7-301.

971 [~~(69)~~] (70) "Self-audit" means an internal evaluation of a pharmacy to determine  
972 compliance with this chapter.

973 [~~(70)~~] (71) "Supervising pharmacist" means a pharmacist who is overseeing the  
974 operation of the pharmacy during a given day or shift.

975 [~~(71)~~] (72) "Supportive personnel" means unlicensed individuals who:

976 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed  
977 pharmacy technician in nonjudgmental duties not included in the definition of the practice of  
978 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as  
979 those duties may be further defined by division rule adopted in collaboration with the board;  
980 and

981 (b) are supervised by a pharmacist in accordance with rules adopted by the division in  
982 collaboration with the board.

983 [~~(72)~~] (73) "Unlawful conduct" means the same as that term is defined in Sections  
984 58-1-501 and 58-17b-501.

985 [~~(73)~~] (74) "Unprofessional conduct" means the same as that term is defined in  
986 Sections 58-1-501 and 58-17b-502 and may be further defined by rule.



987           ~~[(74)]~~ (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that  
988 dispenses drugs intended for use by animals or for sale to veterinarians for the administration  
989 for animals.

990           Section 11. Section **58-17b-306** is amended to read:

991           **58-17b-306. Qualifications for licensure as a pharmacy.**

992           (1) Each applicant for licensure under this section, except for those applying for a class  
993 D license, shall:

994           (a) submit a written application in the form prescribed by the division;

995           (b) pay a fee as determined by the department under Section [63J-1-504](#);

996           (c) satisfy the division that the applicant, and each owner, officer, or manager of the  
997 applicant have not engaged in any act, practice, or omission, which when considered with the  
998 duties and responsibilities of a licensee under this section indicates there is cause to believe  
999 that issuing a license to the applicant is inconsistent with the interest of the public's health,  
1000 safety, or welfare;

1001           (d) demonstrate the licensee's operations will be in accordance with all federal, state,  
1002 and local laws relating to the type of activity engaged in by the licensee, including regulations  
1003 of the Federal Drug Enforcement Administration and Food and Drug Administration;

1004           (e) maintain operating standards established by division rule made in collaboration  
1005 with the board[;] and in accordance with Title 63G, Chapter 3, Utah Administrative  
1006 Rulemaking Act;

1007           (f) for each pharmacy manager, submit fingerprint cards and consent to a fingerprint  
1008 background check in accordance with Section [58-17b-307](#); and

1009           ~~[(f)]~~ (g) acknowledge the division's authority to inspect the licensee's business premises  
1010 pursuant to Section [58-17b-103](#).

1011           (2) Each applicant applying for a class D license shall:

1012           (a) submit a written application in the form prescribed by the division;

1013           (b) pay a fee as determined by the department under Section [63J-1-504](#);

1014           (c) present to the division verification of licensure in the state where physically located  
1015 and verification that such license is in good standing;

1016           (d) satisfy the division that the applicant and each of the applicant's pharmacy  
1017 managers has not engaged in any act, practice, or omission, which when considered with the

1018 duties and responsibilities of a licensee under this section, indicates there is cause to believe  
1019 that issuing a license to the applicant is inconsistent with the interest of the public's health,  
1020 safety, or welfare;

1021 (e) for each pharmacy manager, submit fingerprint cards and consent to a fingerprint  
1022 background check in accordance with Section [58-17b-307](#);

1023 ~~(f)~~ (f) provide a statement of the scope of pharmacy services that will be provided  
1024 and a detailed description of the protocol as described by rule by which pharmacy care will be  
1025 provided, including any collaborative practice arrangements with other health care  
1026 practitioners;

1027 ~~(g)~~ (g) sign an affidavit attesting that any healthcare practitioners employed by the  
1028 applicant and physically located in Utah have the appropriate license issued by the division and  
1029 in good standing;

1030 ~~(h)~~ (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws  
1031 and regulations of the jurisdiction in which the pharmacy is located; and

1032 ~~(i)~~ (i) if an applicant engages in compounding, submit the most recent inspection  
1033 report:

1034 (i) conducted within two years before the application for licensure; and

1035 (ii) (A) conducted as part of the National Association of Boards of Pharmacy Verified  
1036 Pharmacy Program; or

1037 (B) performed by the state licensing agency of the state in which the applicant is a  
1038 resident and in accordance with the National Association of Boards of Pharmacy multistate  
1039 inspection blueprint program.

1040 (3) Each license issued under this section shall be issued for a single, specific address,  
1041 and is not transferable or assignable.

1042 Section 12. Section **58-17b-307** is amended to read:

1043 **58-17b-307. Qualification for licensure -- Criminal background checks.**

1044 (1) An individual applicant for licensure under this chapter shall:

1045 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
1046 application is filed; and

1047 (b) in accordance with this section and requirements established by rule made in  
1048 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consent to a

1049 fingerprint background check regarding the application conducted by the:

1050 (i) Utah Bureau of Criminal Identification; and

1051 (ii) Federal Bureau of Investigation.

1052 (2) An applicant for licensure as a pharmacy under this chapter shall submit the

1053 information described in Subsection (1) for each of the applicant's pharmacy managers.

1054 [~~2~~] (3) The division shall:

1055 (a) in addition to other fees authorized by this chapter, collect from each applicant  
1056 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
1057 Identification is authorized to collect for the services provided under Section 53-10-108 and the  
1058 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
1059 obtaining federal criminal history record information;

1060 (b) submit from each applicant the fingerprint card and the fees described in

1061 Subsection (2)(a) to the Bureau of Criminal Identification; and

1062 (c) obtain and retain in division records, a signed waiver approved by the Bureau of  
1063 Criminal Identification in accordance with Section 53-10-108 for each [applicant] individual  
1064 who requires a background check under this section.

1065 [~~3~~] (4) The Bureau of Criminal Identification shall, in accordance with the  
1066 requirements of Section 53-10-108:

1067 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
1068 and regional criminal records databases;

1069 (b) forward the fingerprints to the Federal Bureau of Investigation for a national  
1070 criminal history background check; and

1071 (c) provide the results from the state, regional, and nationwide criminal history  
1072 background checks to the division.

1073 [~~4~~] (5) For purposes of conducting the criminal background check required in  
1074 Subsection (1), the division shall have direct access to criminal background information  
1075 maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

1076 [~~5~~] (6) (a) A new pharmacy, pharmacist, pharmacy intern, or pharmacy technician  
1077 license issued under this section is conditional, pending completion of the criminal background  
1078 [~~check~~] checks.

1079 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the

1080 criminal background check required in Subsection (1), discloses that the applicant or the  
1081 applicant's pharmacy manager has failed to accurately disclose a criminal history, the license is  
1082 immediately and automatically revoked upon notice to the licensee by the division.

1083 ~~[(6)]~~ (7) (a) A person whose conditional license has been revoked under Subsection  
1084 ~~[(5)]~~ (6) is entitled to a postrevocation hearing to challenge the revocation.

1085 (b) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
1086 Chapter 4, Administrative Procedures Act.

1087 ~~[(7)]~~ (8) The division may not disseminate outside of the division any criminal history  
1088 record information that the division obtains from the Bureau of Criminal Identification or the  
1089 Federal Bureau of Investigation under the criminal background check requirements of this  
1090 section.

1091 Section 13. Section **58-17b-625** is amended to read:

1092 **58-17b-625. Administration of a long-acting injectable and naloxone.**

1093 (1) A pharmacist may, in accordance with this section, administer a drug described in  
1094 Subsection (2).

1095 (2) Notwithstanding the provisions of Subsection [~~58-17b-102(57)(c)(ii)(B)]~~  
1096 ~~58-17b-102(58)(c)(ii)(B)~~, the division shall make rules in collaboration with the board and,  
1097 when appropriate, the Physicians Licensing Board created in Section ~~58-67-201~~, and in  
1098 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish  
1099 training for a pharmacist to administer naloxone and long-acting injectables intramuscularly.

1100 (3) A pharmacist may not administer naloxone or a long-acting injectable  
1101 intramuscularly unless the pharmacist:

1102 (a) completes the training described in Subsection (2);

1103 (b) administers the drug at a clinic or community pharmacy, as those terms are defined  
1104 by the division, by administrative rule made in accordance with Title 63G, Chapter 3, Utah  
1105 Administrative Rulemaking Act; and

1106 (c) is directed by the physician, as that term is defined in Section ~~58-67-102~~ or Section  
1107 ~~58-68-102~~, who issues the prescription to administer the drug.

1108 Section 14. Section **58-31b-102** is amended to read:

1109 **58-31b-102. Definitions.**

1110 In addition to the definitions in Section ~~58-1-102~~, as used in this chapter:

1111 (1) "Administrative penalty" means a monetary fine or citation imposed by the division  
1112 for acts or omissions determined to be unprofessional or unlawful conduct in accordance with a  
1113 fine schedule established by division rule made in accordance with Title 63G, Chapter 3, Utah  
1114 Administrative Rulemaking Act, and as a result of an adjudicative proceeding conducted in  
1115 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1116 (2) "Applicant" means an individual who applies for licensure or certification under  
1117 this chapter by submitting a completed application for licensure or certification and the  
1118 required fees to the department.

1119 (3) "Approved education program" means a nursing education program that is  
1120 accredited by an accrediting body for nursing education that is approved by the United States  
1121 Department of Education.

1122 (4) "Board" means the Board of Nursing created in Section [58-31b-201](#).

1123 (5) "Diagnosis" means the identification of and discrimination between physical and  
1124 psychosocial signs and symptoms essential to the effective execution and management of  
1125 health care.

1126 (6) "Examinee" means an individual who applies to take or does take any examination  
1127 required under this chapter for licensure.

1128 (7) "Licensee" means an individual who is licensed or certified under this chapter.

1129 (8) "Long-term care facility" means any of the following facilities licensed by the  
1130 Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and  
1131 Inspection Act:

1132 (a) a nursing care facility;

1133 (b) a small health care facility;

1134 (c) an intermediate care facility for people with an intellectual disability;

1135 (d) an assisted living facility Type I or II; or

1136 (e) a designated swing bed unit in a general hospital.

1137 (9) "Medication aide certified" means a certified nurse aide who:

1138 (a) has a minimum of 2,000 hours experience working as a certified nurse aide;

1139 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training  
1140 that is approved by the division in collaboration with the board, in administering routine  
1141 medications to patients or residents of long-term care facilities; and

1142 (c) is certified by the division as a medication aide certified.

1143 (10) (a) "Practice as a medication aide certified" means the limited practice of nursing  
1144 under the supervision, as defined by the division by rule made in accordance with Title 63G,  
1145 Chapter 3, Utah Administrative Rulemaking Act, of a licensed nurse, involving routine patient  
1146 care that requires minimal or limited specialized or general knowledge, judgment, and skill, to  
1147 an individual who:

1148 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual  
1149 disability; and

1150 (ii) is in a regulated long-term care facility.

1151 (b) "Practice as a medication aide certified":

1152 (i) includes:

1153 (A) providing direct personal assistance or care; and

1154 (B) administering routine medications to patients in accordance with a formulary and  
1155 protocols to be defined by the division by rule made in accordance with Title 63G, Chapter 3,  
1156 Utah Administrative Rulemaking Act; and

1157 (ii) does not include assisting a resident of an assisted living facility, a long term care  
1158 facility, or an intermediate care facility for people with an intellectual disability to self  
1159 administer a medication, as regulated by the Department of Health by rule made in accordance  
1160 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1161 (11) "Practice of advanced practice registered nursing" means the practice of nursing  
1162 within the generally recognized scope and standards of advanced practice registered nursing as  
1163 defined by rule and consistent with professionally recognized preparation and education  
1164 standards of an advanced practice registered nurse by a person licensed under this chapter as an  
1165 advanced practice registered nurse. "Practice of advanced practice registered nursing" includes:

1166 (a) maintenance and promotion of health and prevention of disease;

1167 (b) diagnosis, treatment, correction, consultation, and referral;

1168 (c) prescription or administration of prescription drugs or devices including:

1169 (i) local anesthesia;

1170 (ii) Schedule III-V controlled substances; and

1171 (iii) [~~Subject to Section 58-31b-803;~~] Schedule II controlled substances; or

1172 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and

1173 related services upon the request of a licensed health care professional by an advanced practice  
1174 registered nurse specializing as a certified registered nurse anesthetist, including:

1175 (i) preanesthesia preparation and evaluation including:

1176 (A) performing a preanesthetic assessment of the patient;

1177 (B) ordering and evaluating appropriate lab and other studies to determine the health of  
1178 the patient; and

1179 (C) selecting, ordering, or administering appropriate medications;

1180 (ii) anesthesia induction, maintenance, and emergence, including:

1181 (A) selecting and initiating the planned anesthetic technique;

1182 (B) selecting and administering anesthetics and adjunct drugs and fluids; and

1183 (C) administering general, regional, and local anesthesia;

1184 (iii) postanesthesia follow-up care, including:

1185 (A) evaluating the patient's response to anesthesia and implementing corrective  
1186 actions; and

1187 (B) selecting, ordering, or administering the medications and studies listed in this  
1188 Subsection (11)(d);

1189 (iv) other related services within the scope of practice of a certified registered nurse  
1190 anesthetist, including:

1191 (A) emergency airway management;

1192 (B) advanced cardiac life support; and

1193 (C) the establishment of peripheral, central, and arterial invasive lines; and

1194 (v) for purposes of this Subsection (11)(d), "upon the request of a licensed health care  
1195 professional":

1196 (A) means a health care professional practicing within the scope of the health care  
1197 professional's license, requests anesthesia services for a specific patient; and

1198 (B) does not require an advanced practice registered nurse specializing as a certified  
1199 registered nurse anesthetist to obtain additional authority to select, administer, or provide  
1200 preoperative, intraoperative, or postoperative anesthesia care and services.

1201 (12) "Practice of nursing" means assisting individuals or groups to maintain or attain  
1202 optimal health, implementing a strategy of care to accomplish defined goals and evaluating  
1203 responses to care and treatment, and requires substantial specialized or general knowledge,

1204 judgment, and skill based upon principles of the biological, physical, behavioral, and social  
1205 sciences. "Practice of nursing" includes:

- 1206 (a) initiating and maintaining comfort measures;
- 1207 (b) promoting and supporting human functions and responses;
- 1208 (c) establishing an environment conducive to well-being;
- 1209 (d) providing health counseling and teaching;
- 1210 (e) collaborating with health care professionals on aspects of the health care regimen;
- 1211 (f) performing delegated procedures only within the education, knowledge, judgment,  
1212 and skill of the licensee;
- 1213 (g) delegating nursing tasks that may be performed by others, including an unlicensed  
1214 assistive personnel; and
- 1215 (h) supervising an individual to whom a task is delegated under Subsection (12)(g) as  
1216 the individual performs the task.

1217 (13) "Practice of practical nursing" means the performance of nursing acts in the  
1218 generally recognized scope of practice of licensed practical nurses as defined by division rule  
1219 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and as  
1220 provided in this Subsection (13) by an individual licensed under this chapter as a licensed  
1221 practical nurse and under the direction of a registered nurse, licensed physician, or other  
1222 specified health care professional as defined by division rule made in accordance with Title  
1223 63G, Chapter 3, Utah Administrative Rulemaking Act. Practical nursing acts include:

- 1224 (a) contributing to the assessment of the health status of individuals and groups;
- 1225 (b) participating in the development and modification of the strategy of care;
- 1226 (c) implementing appropriate aspects of the strategy of care;
- 1227 (d) maintaining safe and effective nursing care rendered to a patient directly or  
1228 indirectly; and
- 1229 (e) participating in the evaluation of responses to interventions.

1230 (14) "Practice of registered nursing" means performing acts of nursing as provided in  
1231 this Subsection (14) by an individual licensed under this chapter as a registered nurse within  
1232 the generally recognized scope of practice of registered nurses as defined by division rule made  
1233 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Registered  
1234 nursing acts include:



- 1235 (a) assessing the health status of individuals and groups;
- 1236 (b) identifying health care needs;
- 1237 (c) establishing goals to meet identified health care needs;
- 1238 (d) planning a strategy of care;
- 1239 (e) prescribing nursing interventions to implement the strategy of care;
- 1240 (f) implementing the strategy of care;
- 1241 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
- 1242 indirectly;
- 1243 (h) evaluating responses to interventions;
- 1244 (i) teaching the theory and practice of nursing; and
- 1245 (j) managing and supervising the practice of nursing.
- 1246 (15) "Registered nurse apprentice" means an individual licensed under Subsection
- 1247 [58-31b-301\(2\)\(b\)](#) who is learning and engaging in the practice of registered nursing under the
- 1248 indirect supervision of an individual licensed under:
  - 1249 (a) Subsection [58-31b-301\(2\)\(c\)](#), (e), or (f);
  - 1250 (b) Chapter 67, Utah Medical Practice Act; or
  - 1251 (c) Chapter 68, Utah Osteopathic Medical Practice Act.
- 1252 (16) "Routine medications":
  - 1253 (a) means established medications administered to a medically stable individual as
  - 1254 determined by a licensed health care practitioner or in consultation with a licensed medical
  - 1255 practitioner; and
    - 1256 (b) is limited to medications that are administered by the following routes:
      - 1257 (i) oral;
      - 1258 (ii) sublingual;
      - 1259 (iii) buccal;
      - 1260 (iv) eye;
      - 1261 (v) ear;
      - 1262 (vi) nasal;
      - 1263 (vii) rectal;
      - 1264 (viii) vaginal;
      - 1265 (ix) skin ointments, topical including patches and transdermal;

1266 (x) premeasured medication delivered by aerosol/nebulizer; and

1267 (xi) medications delivered by metered hand-held inhalers.

1268 (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501  
1269 and 58-31b-501.

1270 (18) "Unlicensed assistive personnel" means any unlicensed individual, regardless of  
1271 title, who is delegated a task by a licensed nurse as permitted by division rule made in  
1272 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the standards  
1273 of the profession.

1274 (19) "Unprofessional conduct" means the same as that term is defined in Sections  
1275 58-1-501 and 58-31b-502 and as may be further defined by division rule made in accordance  
1276 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1277 Section 15. Section 58-31b-302 is amended to read:

1278 **58-31b-302. Qualifications for licensure or certification -- Criminal background**  
1279 **checks.**

1280 (1) An applicant for certification as a medication aide shall:

1281 (a) submit an application to the division on a form prescribed by the division;

1282 (b) pay a fee to the division as determined under Section 63J-1-504;

1283 (c) have a high school diploma or its equivalent;

1284 (d) have a current certification as a nurse aide, in good standing, from the Department  
1285 of Health;

1286 (e) have a minimum of 2,000 hours of experience within the two years prior to  
1287 application, working as a certified nurse aide in a long-term care facility;

1288 (f) obtain letters of recommendation from a long-term care facility administrator and  
1289 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;

1290 (g) be in a condition of physical and mental health that will permit the applicant to  
1291 practice safely as a medication aide certified;

1292 (h) have completed an approved education program or an equivalent as determined by  
1293 the division in collaboration with the board;

1294 (i) have passed the examinations as required by division rule made in collaboration  
1295 with the board; and

1296 (j) meet with the board, if requested, to determine the applicant's qualifications for

1297 certification.

1298 (2) An applicant for licensure as a licensed practical nurse shall:

1299 (a) submit to the division an application in a form prescribed by the division;

1300 (b) pay to the division a fee determined under Section 63J-1-504;

1301 (c) have a high school diploma or its equivalent;

1302 (d) be in a condition of physical and mental health that will permit the applicant to  
1303 practice safely as a licensed practical nurse;

1304 (e) have completed an approved practical nursing education program or an equivalent  
1305 as determined by the board;

1306 (f) have passed the examinations as required by division rule made in collaboration  
1307 with the board; and

1308 (g) meet with the board, if requested, to determine the applicant's qualifications for  
1309 licensure.

1310 (3) An applicant for a registered nurse apprentice license shall:

1311 (a) submit to the division an application form prescribed by the division;

1312 (b) pay to the division a fee determined under Section 63J-1-504;

1313 (c) have a high school diploma or its equivalent;

1314 (d) be in a condition of physical and mental health that will allow the applicant to  
1315 practice safely as a registered nurse apprentice;

1316 (e) as determined by an approved registered nursing education program, be:

1317 (i) in good standing with the program; and

1318 (ii) in the last semester, quarter, or competency experience;

1319 (f) have written permission from the program in which the applicant is enrolled; and

1320 (g) meet with the board, if requested, to determine the applicant's qualifications for  
1321 licensure.

1322 (4) An applicant for licensure as a registered nurse shall:

1323 (a) submit to the division an application form prescribed by the division;

1324 (b) pay to the division a fee determined under Section 63J-1-504;

1325 (c) have a high school diploma or its equivalent;

1326 (d) be in a condition of physical and mental health that will allow the applicant to  
1327 practice safely as a registered nurse;

- 1328 (e) have completed an approved registered nursing education program;
- 1329 (f) have passed the examinations as required by division rule made in collaboration  
1330 with the board; and
- 1331 (g) meet with the board, if requested, to determine the applicant's qualifications for  
1332 licensure.
- 1333 (5) Applicants for licensure as an advanced practice registered nurse shall:
- 1334 (a) submit to the division an application on a form prescribed by the division;
- 1335 (b) pay to the division a fee determined under Section [63J-1-504](#);
- 1336 (c) be in a condition of physical and mental health which will allow the applicant to  
1337 practice safely as an advanced practice registered nurse;
- 1338 (d) hold a current registered nurse license in good standing issued by the state or be  
1339 qualified at the time for licensure as a registered nurse;
- 1340 (e) (i) have earned a graduate degree in:
- 1341 (A) an advanced practice registered nurse nursing education program; or
- 1342 (B) a related area of specialized knowledge as determined appropriate by the division  
1343 in collaboration with the board; or
- 1344 (ii) have completed a nurse anesthesia program in accordance with Subsection  
1345 (5)(f)(ii);
- 1346 (f) have completed:
- 1347 (i) course work in patient assessment, diagnosis and treatment, and  
1348 pharmacotherapeutics from an education program approved by the division in collaboration  
1349 with the board; or
- 1350 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of  
1351 Nurse Anesthesia Educational Programs;
- 1352 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as  
1353 described in division rule, that the applicant, after completion of a doctorate or master's degree  
1354 required for licensure, is in the process of completing the applicant's clinical practice  
1355 requirements in psychiatric mental health nursing, including in psychotherapy;
- 1356 (h) have passed the examinations as required by division rule made in collaboration  
1357 with the board;
- 1358 (i) be currently certified by a program approved by the division in collaboration with

1359 the board and submit evidence satisfactory to the division of the certification; and

1360 (j) meet with the board, if requested, to determine the applicant's qualifications for  
1361 licensure.

1362 (6) For each applicant for licensure or certification under this chapter except an  
1363 applicant under Subsection 58-31b-301(2)(b):

1364 (a) the applicant shall:

1365 (i) submit fingerprint cards in a form acceptable to the division at the time the  
1366 application is filed; and

1367 (ii) consent to a fingerprint background check conducted by the Bureau of Criminal  
1368 Identification and the Federal Bureau of Investigation regarding the application;

1369 (b) the division shall:

1370 (i) in addition to other fees authorized by this chapter, collect from each applicant  
1371 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
1372 Identification is authorized to collect for the services provided under Section 53-10-108 and the  
1373 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
1374 obtaining federal criminal history record information;

1375 (ii) submit from each applicant the fingerprint card and the fees described in this  
1376 Subsection (6)(b) to the Bureau of Criminal Identification; and

1377 (iii) obtain and retain in division records a signed waiver approved by the Bureau of  
1378 Criminal Identification in accordance with Section 53-10-108 for each applicant; and

1379 (c) the Bureau of Criminal Identification shall, in accordance with the requirements of  
1380 Section 53-10-108:

1381 (i) check the fingerprints submitted under Subsection (6)(b) against the applicable state  
1382 and regional criminal records databases;

1383 (ii) forward the fingerprints to the Federal Bureau of Investigation for a national  
1384 criminal history background check; and

1385 (iii) provide the results from the state, regional, and nationwide criminal history  
1386 background checks to the division.

1387 (7) For purposes of conducting the criminal background checks required in Subsection  
1388 (6), the division shall have direct access to criminal background information maintained  
1389 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

1390 (8) (a) (i) Any new nurse license or certification issued under this section shall be  
1391 conditional, pending completion of the criminal background check.

1392 (ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
1393 criminal background check discloses the applicant has failed to accurately disclose a criminal  
1394 history, the license or certification shall be immediately and automatically revoked upon notice  
1395 to the licensee by the division.

1396 (b) (i) An individual whose conditional license or certification has been revoked under  
1397 Subsection (8)(a) is entitled to a postrevocation hearing to challenge the revocation.

1398 (ii) A postrevocation hearing shall be conducted in accordance with Title 63G, Chapter  
1399 4, Administrative Procedures Act.

1400 (9) If an individual has been charged with a violent felony, as defined in Subsection  
1401 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or  
1402 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the  
1403 successful completion of probation~~], the individual is disqualified for licensure under this~~  
1404 ~~chapter and:]~~

1405 [~~(a) if the individual is licensed under this chapter, the division:]~~

1406 [~~(i)~~] the division shall act upon the license as required under Section 58-1-401~~]; and]~~.

1407 [~~(ii) may not renew or subsequently issue a license to the individual under this chapter;~~  
1408 ~~and]~~

1409 [~~(b) if the individual is not licensed under this chapter, the division may not issue a~~  
1410 ~~license to the individual under this chapter.]~~

1411 (10) If an individual has been charged with a felony other than a violent felony, as  
1412 defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted,  
1413 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held  
1414 in abeyance pending the successful completion of probation, the division shall determine  
1415 whether the felony disqualifies the individual for licensure under this chapter and act upon the  
1416 license, as required, in accordance with Section 58-1-401.

1417 (11) The division may not disseminate outside of the division any criminal history  
1418 record information that the division obtains from the Bureau of Criminal Identification or the  
1419 Federal Bureau of Investigation under the criminal background check requirements of this  
1420 section.

1421 Section 16. Section **58-31b-502** is amended to read:

1422 **58-31b-502. Unprofessional conduct.**

1423 (1) "Unprofessional conduct" includes:

1424 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,  
1425 diagnosis, personal effects, or any other matter about which the licensee is privileged to know  
1426 because of the licensee's or person with a certification's position or practice as a nurse or  
1427 practice as a medication aide certified;

1428 (b) failure to provide nursing service or service as a medication aide certified in a  
1429 manner that demonstrates respect for the patient's human dignity and unique personal character  
1430 and needs without regard to the patient's race, religion, ethnic background, socioeconomic  
1431 status, age, sex, or the nature of the patient's health problem;

1432 (c) engaging in sexual relations with a patient during any:

1433 (i) period when a generally recognized professional relationship exists between the  
1434 person licensed or certified under this chapter and the patient; or

1435 (ii) extended period when a patient has reasonable cause to believe a professional  
1436 relationship exists between the person licensed or certified under the provisions of this chapter  
1437 and the patient;

1438 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using  
1439 information about a patient or exploiting the licensee's or the person with a certification's  
1440 professional relationship between the licensee or holder of a certification under this chapter and  
1441 the patient; or

1442 (ii) exploiting the patient by use of the licensee's or person with a certification's  
1443 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

1444 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

1445 (f) unauthorized taking or personal use of nursing supplies from an employer;

1446 (g) unauthorized taking or personal use of a patient's personal property;

1447 (h) unlawful or inappropriate delegation of nursing care;

1448 (i) failure to exercise appropriate supervision of persons providing patient care services  
1449 under supervision of the licensed nurse;

1450 (j) employing or aiding and abetting the employment of an unqualified or unlicensed  
1451 person to practice as a nurse;

1452 (k) failure to file or record any medical report as required by law, impeding or  
1453 obstructing the filing or recording of such a report, or inducing another to fail to file or record  
1454 such a report;

1455 (l) breach of a statutory, common law, regulatory, or ethical requirement of  
1456 confidentiality with respect to a person who is a patient, unless ordered by a court;

1457 (m) failure to pay a penalty imposed by the division;

1458 ~~[(n) prescribing a Schedule II controlled substance without complying with the~~  
1459 ~~requirements in Section 58-31b-803, if applicable;]~~

1460 ~~[(o)]~~ (n) violating Section 58-31b-801 or Section 58-31b-803;

1461 ~~[(p)]~~ (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b,  
1462 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,  
1463 if applicable;

1464 ~~[(q)]~~ (p) falsely making an entry in, or altering, a medical record with the intent to  
1465 conceal:

1466 (i) a wrongful or negligent act or omission of an individual licensed under this chapter  
1467 or an individual under the direction or control of an individual licensed under this chapter; or

1468 (ii) conduct described in Subsections (1)(a) through ~~[(r)]~~ (m) or Subsection  
1469 58-1-501(1); or

1470 ~~[(s)]~~ (q) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis  
1471 Act.

1472 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter  
1473 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, or acting as  
1474 a limited medical provider, as those terms are defined in Section 26-61a-102, recommending  
1475 the use of medical cannabis.

1476 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in  
1477 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define  
1478 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

1479 Section 17. Section 58-31b-803 is amended to read:

1480 **58-31b-803. Limitations on independent solo practice for advanced practice**  
1481 **registered nurses.**

1482 ~~[(1) This section does not apply to an advanced practice registered nurse specializing as~~



1483 a certified registered nurse anesthetist under Subsection ~~58-31b-102~~(11)(d).]

1484       ~~[(2) Except as provided in Subsection (3), an advanced practice registered nurse may~~

1485 ~~prescribe or administer a Schedule II controlled substance.]~~

1486       ~~[(3) An advanced practice registered nurse described in Subsection (4) may not~~

1487 ~~prescribe or administer a Schedule II controlled substance unless the advanced practice~~

1488 ~~registered nurse:]~~

1489       ~~[(a) receives a board certification from a nationally recognized organization;]~~

1490       ~~[(b) completes at least 30 hours of instruction, or the equivalent number of credit~~

1491 ~~hours, pertaining to advanced pharmacology during a graduate education program;]~~

1492       ~~[(c) when obtaining licensure with the division, demonstrates completion of at least~~

1493 ~~seven hours of continuing education pertaining to prescribing opioids; and]~~

1494       ~~[(d) participates in a prescribing mentorship under which the advanced practice~~

1495 ~~registered nurse:]~~

1496       ~~[(i) is mentored by:]~~

1497       ~~[(A) a physician licensed in accordance with this title; or]~~

1498       ~~[(B) an advanced practice registered nurse who has been licensed at least three years;~~

1499 ~~and]~~

1500       ~~[(ii) periodically provides the mentor described in Subsection (3)(d)(i) timesheets that,~~

1501 ~~in total, demonstrate 1,000 hours of clinical experience.]~~

1502       ~~[(4) Subsection (3) applies to an]~~

1503       (1) As used in this section, "independent solo practice" means the practice of advanced

1504 practice registered nursing without affiliation with:

1505       (a) an individual licensed to practice under Chapter 67, Utah Medical Practice Act;

1506       (b) an individual licensed to practice under Chapter 68, Utah Osteopathic Medical

1507 Practice Act; or

1508       (c) another licensed advanced practice registered nurse.

1509       (2) An advanced practice registered nurse [who] may not engage in independent solo

1510 practice unless the advanced practice registered nurse:

1511       ~~[(a) is engaged in independent solo practice; and]~~

1512       ~~[(b) (i) (a) has been licensed as an advanced practice registered nurse for [less] more~~

1513 ~~than one year; [or] and~~

1514            [~~(f)~~] (b) has [~~less~~] more than 2,000 hours of experience practicing as a licensed  
1515 advanced practice registered nurse.

1516            Section 18. Section **58-53-302** is amended to read:

1517            **58-53-302. Qualifications for licensure.**

1518            (1) Each applicant for licensure as a landscape architect shall:

1519            (a) submit an application in a form prescribed by the division;

1520            (b) pay a fee as determined by the department under Section [63J-1-504](#);

1521            [~~(c)~~ ~~provide satisfactory evidence of good moral character;~~]

1522            [~~(d)~~] (c) (i) have graduated and received an earned bachelors or masters degree from a  
1523 landscape architecture program meeting criteria established by rule by the division in  
1524 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative  
1525 Rulemaking Act; or

1526            (ii) have completed not less than eight years of supervised practical experience in  
1527 landscape architecture which meets the requirements established by rule by the division in  
1528 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative  
1529 Rulemaking Act; and

1530            [~~(e)~~] (d) have successfully passed examinations established by rule by the division in  
1531 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative  
1532 Rulemaking Act.

1533            (2) Satisfactory completion of each year of a landscape architectural program described  
1534 in Subsection [~~(1)(d)(i)~~] (1)(c)(i) is equivalent to one year of experience for purposes of  
1535 Subsection [~~(1)(d)(ii)~~] (1)(c)(ii).

1536            Section 19. Section **58-54-302** is amended to read:

1537            **58-54-302. Requirements for licensure.**

1538            (1) Each applicant for licensure as a radiologic technologist, radiology assistant, or  
1539 radiology practical technician shall:

1540            (a) submit an application in a form prescribed by the division in collaboration with the  
1541 board; and

1542            (b) pay a fee as determined by the department pursuant to Section [63J-1-504](#).

1543            (2) Each applicant for licensure as a radiologic technologist shall, in addition to the  
1544 requirements of Subsection (1):

1545 (a) be a graduate of an accredited educational program in radiologic technology or  
 1546 certified by the American Registry of Radiologic Technologists or any equivalent educational  
 1547 program approved by the division in collaboration with the board; and

1548 (b) have passed an examination approved by the division in collaboration with the  
 1549 board.

1550 (3) Each applicant for licensure as a radiology practical technician shall, in addition to  
 1551 the requirements of Subsection (1), have passed a basic examination and one or more specialty  
 1552 examinations that are competency based, using a task analysis of the scope of practice of  
 1553 radiology practical technicians in the state. The basic examination and the specialty  
 1554 examination shall be approved by the division in collaboration with the board and the licensing  
 1555 board of the profession within which the radiology practical technician will be practicing.

1556 ~~[(4) The division shall provide for administration of the radiology practical technician  
 1557 examination not less than monthly at offices designated by the division and located:]~~

1558 ~~[(a) in Salt Lake City; and]~~

1559 ~~[(b) within each local health department jurisdictional area.]~~

1560 ~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)(b);~~ (4)(b), each applicant for  
 1561 licensure as a radiologist assistant shall:

1562 (i) meet the requirements of Subsections (1) and (2);

1563 (ii) have a Bachelor of Science degree; and

1564 (iii) be certified as:

1565 (A) a radiologist assistant by the American Registry of Radiologic Technologists; or

1566 (B) a radiology practitioner assistant by the Certification Board of Radiology

1567 Practitioner Assistants.

1568 (b) An individual who meets the requirements of Subsections ~~[(5)(a)(i)]~~ (4)(a)(i) and  
 1569 (iii), but not Subsection ~~[(5)(a)(ii)]~~ (4)(a)(ii), may be licensed as a radiologist assistant under  
 1570 this chapter until May 31, 2013, at which time, the individual must have completed the  
 1571 Bachelor of Science degree in order to retain the license of radiologist assistant.

1572 Section 20. Section **58-55-102** is amended to read:

1573 **58-55-102. Definitions.**

1574 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1575 (1) (a) "Alarm business" or "alarm company" means a person engaged in the sale,

1576 installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm  
1577 system, except as provided in Subsection (1)(b).

1578 (b) "Alarm business" or "alarm company" does not include:

1579 (i) a person engaged in the manufacture or sale of alarm systems unless:

1580 (A) that person is also engaged in the installation, maintenance, alteration, repair,  
1581 replacement, servicing, or monitoring of alarm systems;

1582 (B) the manufacture or sale occurs at a location other than a place of business  
1583 established by the person engaged in the manufacture or sale; or

1584 (C) the manufacture or sale involves site visits at the place or intended place of  
1585 installation of an alarm system; or

1586 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who  
1587 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring  
1588 of the alarm system owned by that owner.

1589 (2) "Alarm company agent":

1590 (a) except as provided in Subsection (2)(b), means any individual employed within this  
1591 state by an alarm business; and

1592 (b) does not include an individual who:

1593 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,  
1594 servicing, or monitoring of an alarm system; and

1595 (ii) does not, during the normal course of the individual's employment with an alarm  
1596 business, use or have access to sensitive alarm system information.

1597 (3) "Alarm company officer" means:

1598 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;

1599 (b) an individual appointed as an officer of an alarm company that is a corporation in  
1600 accordance with Section 16-10a-830;

1601 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or

1602 (d) a partner, as defined in Section 48-1d-102, of an alarm company.

1603 (4) "Alarm company owner" means:

1604 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly  
1605 through an entity controlled by the individual, 5% or more of the outstanding shares of an  
1606 alarm company that:

1607            (i) is a corporation; and  
 1608            (ii) is not publicly listed or traded; or  
 1609            (b) an individual who owns directly, or indirectly through an entity controlled by the  
 1610 individual, 5% or more of the equity of an alarm company that is not a corporation.

1611            (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is  
 1612 registered as a sole proprietorship with the Division of Corporations and Commercial Code.

1613            (6) "Alarm company trustee" means an individual with control of or power of  
 1614 administration over property held in trust.

1615            [~~3~~] (7) (a) "Alarm system" means equipment and devices assembled for the purpose  
 1616 of:

1617            (i) detecting and signaling unauthorized intrusion or entry into or onto certain  
 1618 premises; or

1619            (ii) signaling a robbery or attempted robbery on protected premises.

1620            (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is  
 1621 part of and interfaces with an alarm system for the purposes of detecting and deterring  
 1622 unauthorized intrusion or entry into or onto certain premises.

1623            [~~4~~] (8) "Apprentice electrician" means a person licensed under this chapter as an  
 1624 apprentice electrician who is learning the electrical trade under the immediate supervision of a  
 1625 master electrician, residential master electrician, a journeyman electrician, or a residential  
 1626 journeyman electrician.

1627            [~~5~~] (9) "Apprentice plumber" means a person licensed under this chapter as an  
 1628 apprentice plumber who is learning the plumbing trade under the immediate supervision of a  
 1629 master plumber, residential master plumber, journeyman plumber, or a residential journeyman  
 1630 plumber.

1631            [~~6~~] (10) "Approved continuing education" means instruction provided through  
 1632 courses under a program established under Subsection [58-55-302.5\(2\)](#).

1633            [~~7~~] (11) (a) "Approved prelicensure course provider" means a provider that is the  
 1634 Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and  
 1635 Contractors, or the Utah Home Builders Association, and that meets the requirements  
 1636 established by rule by the commission with the concurrence of the director, to teach the  
 1637 25-hour course described in Subsection [58-55-302\(1\)\(e\)\(iii\)](#).

1638 (b) "Approved prelicensure course provider" may only include a provider that, in  
1639 addition to any other locations, offers the 25-hour course described in Subsection  
1640 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake  
1641 County, Utah County, Davis County, or Weber County.

1642 [~~8~~] (12) "Board" means the Electrician Licensing Board, Alarm System Security and  
1643 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

1644 [~~9~~] (13) "Combustion system" means an assembly consisting of:

1645 (a) piping and components with a means for conveying, either continuously or  
1646 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the  
1647 appliance;

1648 (b) the electric control and combustion air supply and venting systems, including air  
1649 ducts; and

1650 (c) components intended to achieve control of quantity, flow, and pressure.

1651 [~~10~~] (14) "Commission" means the Construction Services Commission created under  
1652 Section 58-55-103.

1653 [~~11~~] (15) "Construction trade" means any trade or occupation involving:

1654 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition  
1655 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation  
1656 or other project, development, or improvement to other than personal property; and

1657 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as  
1658 defined in Section 15A-1-302; or

1659 (b) installation or repair of a residential or commercial natural gas appliance or  
1660 combustion system.

1661 [~~12~~] (16) "Construction trades instructor" means a person licensed under this chapter  
1662 to teach one or more construction trades in both a classroom and project environment, where a  
1663 project is intended for sale to or use by the public and is completed under the direction of the  
1664 instructor, who has no economic interest in the project.

1665 [~~13~~] (17) (a) "Contractor" means any person who for compensation other than wages  
1666 as an employee undertakes any work in the construction, plumbing, or electrical trade for  
1667 which licensure is required under this chapter and includes:

1668 (i) a person who builds any structure on the person's own property for the purpose of

- 1669 sale or who builds any structure intended for public use on the person's own property;
- 1670 (ii) any person who represents that the person is a contractor, or will perform a service
- 1671 described in this Subsection [~~(13)~~] (17) by advertising on a website or social media, or any
- 1672 other means;
- 1673 (iii) any person engaged as a maintenance person, other than an employee, who
- 1674 regularly engages in activities set forth under the definition of "construction trade";
- 1675 (iv) any person engaged in, or offering to engage in, any construction trade for which
- 1676 licensure is required under this chapter; or
- 1677 (v) a construction manager, construction consultant, construction assistant, or any other
- 1678 person who, for a fee:
- 1679 (A) performs or offers to perform construction consulting;
- 1680 (B) performs or offers to perform management of construction subcontractors;
- 1681 (C) provides or offers to provide a list of subcontractors or suppliers; or
- 1682 (D) provides or offers to provide management or counseling services on a construction
- 1683 project.
- 1684 (b) "Contractor" does not include:
- 1685 (i) an alarm company or alarm company agent; or
- 1686 (ii) a material supplier who provides consulting to customers regarding the design and
- 1687 installation of the material supplier's products.
- 1688 [~~(14)~~] (18) (a) "Electrical trade" means the performance of any electrical work involved
- 1689 in the installation, construction, alteration, change, repair, removal, or maintenance of facilities,
- 1690 buildings, or appendages or appurtenances.
- 1691 (b) "Electrical trade" does not include:
- 1692 (i) transporting or handling electrical materials;
- 1693 (ii) preparing clearance for raceways for wiring;
- 1694 (iii) work commonly done by unskilled labor on any installations under the exclusive
- 1695 control of electrical utilities;
- 1696 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
- 1697 hazard; or
- 1698 (v) work involving class two or class three power-limited circuits as defined in the
- 1699 National Electrical Code.

1700            [~~(15)~~] (19) "Elevator" means the same as that term is defined in Section 34A-7-202,  
1701 except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or  
1702 an incline platform lift.

1703            [~~(16)~~] (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed  
1704 under this chapter that is engaged in the business of erecting, constructing, installing, altering,  
1705 servicing, repairing, or maintaining an elevator.

1706            [~~(17)~~] (21) "Elevator mechanic" means an individual who is licensed under this chapter  
1707 as an elevator mechanic and who is engaged in erecting, constructing, installing, altering,  
1708 servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator  
1709 contractor.

1710            [~~(18)~~] (22) "Employee" means an individual as defined by the division by rule giving  
1711 consideration to the definition adopted by the Internal Revenue Service and the Department of  
1712 Workforce Services.

1713            [~~(19)~~] (23) "Engage in a construction trade" means to:

1714            (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
1715 in a construction trade; or

1716            (b) use the name "contractor" or "builder" or in any other way lead a reasonable person  
1717 to believe one is or will act as a contractor.

1718            [~~(20)~~] (24) (a) "Financial responsibility" means a demonstration of a current and  
1719 expected future condition of financial solvency evidencing a reasonable expectation to the  
1720 division and the board that an applicant or licensee can successfully engage in business as a  
1721 contractor without jeopardy to the public health, safety, and welfare.

1722            (b) Financial responsibility may be determined by an evaluation of the total history  
1723 concerning the licensee or applicant including past, present, and expected condition and record  
1724 of financial solvency and business conduct.

1725            [~~(21)~~] (25) "Gas appliance" means any device that uses natural gas to produce light,  
1726 heat, power, steam, hot water, refrigeration, or air conditioning.

1727            [~~(22)~~] (26) (a) "General building contractor" means a person licensed under this  
1728 chapter as a general building contractor qualified by education, training, experience, and  
1729 knowledge to perform or superintend construction of structures for the support, shelter, and  
1730 enclosure of persons, animals, chattels, or movable property of any kind or any of the



1731 components of that construction except plumbing, electrical work, mechanical work, work  
1732 related to the operating integrity of an elevator, and manufactured housing installation, for  
1733 which the general building contractor shall employ the services of a contractor licensed in the  
1734 particular specialty, except that a general building contractor engaged in the construction of  
1735 single-family and multifamily residences up to four units may perform the mechanical work  
1736 and hire a licensed plumber or electrician as an employee.

1737 (b) The division may by rule exclude general building contractors from engaging in the  
1738 performance of other construction specialties in which there is represented a substantial risk to  
1739 the public health, safety, and welfare, and for which a license is required unless that general  
1740 building contractor holds a valid license in that specialty classification.

1741 [~~(23)~~] (27) (a) "General electrical contractor" means a person licensed under this  
1742 chapter as a general electrical contractor qualified by education, training, experience, and  
1743 knowledge to perform the fabrication, construction, and installation of generators,  
1744 transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or  
1745 apparatus that uses electrical energy.

1746 (b) The scope of work of a general electrical contractor may be further defined by rules  
1747 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
1748 Chapter 3, Utah Administrative Rulemaking Act.

1749 [~~(24)~~] (28) (a) "General engineering contractor" means a person licensed under this  
1750 chapter as a general engineering contractor qualified by education, training, experience, and  
1751 knowledge to perform or superintend construction of fixed works or components of fixed  
1752 works requiring specialized engineering knowledge and skill in any of the following:

- 1753 (i) irrigation;
- 1754 (ii) drainage;
- 1755 (iii) water power;
- 1756 (iv) water supply;
- 1757 (v) flood control;
- 1758 (vi) an inland waterway;
- 1759 (vii) a harbor;
- 1760 (viii) a railroad;
- 1761 (ix) a highway;

- 1762 (x) a tunnel;
- 1763 (xi) an airport;
- 1764 (xii) an airport runway;
- 1765 (xiii) a sewer;
- 1766 (xiv) a bridge;
- 1767 (xv) a refinery;
- 1768 (xvi) a pipeline;
- 1769 (xvii) a chemical plant;
- 1770 (xviii) an industrial plant;
- 1771 (xix) a pier;
- 1772 (xx) a foundation;
- 1773 (xxi) a power plant; or
- 1774 (xxii) a utility plant or installation.
- 1775 (b) A general engineering contractor may not perform or superintend:
- 1776 (i) construction of a structure built primarily for the support, shelter, and enclosure of
- 1777 persons, animals, and chattels; or
- 1778 (ii) performance of:
- 1779 (A) plumbing work;
- 1780 (B) electrical work; or
- 1781 (C) mechanical work.

1782 [~~(25)~~] (29) (a) "General plumbing contractor" means a person licensed under this  
1783 chapter as a general plumbing contractor qualified by education, training, experience, and  
1784 knowledge to perform the fabrication or installation of material and fixtures to create and  
1785 maintain sanitary conditions in a building by providing permanent means for a supply of safe  
1786 and pure water, a means for the timely and complete removal from the premises of all used or  
1787 contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life  
1788 and the occupation of such premises, and a safe and adequate supply of gases for lighting,  
1789 heating, and industrial purposes.

1790 (b) The scope of work of a general plumbing contractor may be further defined by rules  
1791 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
1792 Chapter 3, Utah Administrative Rulemaking Act.

1793            [~~(26)~~] (30) "Immediate supervision" means reasonable direction, oversight, inspection,  
1794 and evaluation of the work of a person:

- 1795            (a) as the division specifies in rule;
- 1796            (b) by, as applicable, a qualified electrician or plumber;
- 1797            (c) as part of a planned program of training; and
- 1798            (d) to ensure that the end result complies with applicable standards.

1799            [~~(27)~~] (31) "Individual" means a natural person.

1800            [~~(28)~~] (32) "Journeyman electrician" means a person licensed under this chapter as a  
1801 journeyman electrician having the qualifications, training, experience, and knowledge to wire,  
1802 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

1803            [~~(29)~~] (33) "Journeyman plumber" means a person licensed under this chapter as a  
1804 journeyman plumber having the qualifications, training, experience, and technical knowledge  
1805 to engage in the plumbing trade.

1806            [~~(30)~~] (34) "Master electrician" means a person licensed under this chapter as a master  
1807 electrician having the qualifications, training, experience, and knowledge to properly plan,  
1808 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment  
1809 for light, heat, power, and other purposes.

1810            [~~(31)~~] (35) "Master plumber" means a person licensed under this chapter as a master  
1811 plumber having the qualifications, training, experience, and knowledge to properly plan and  
1812 layout projects and supervise persons in the plumbing trade.

1813            [~~(32)~~] (36) "Person" means a natural person, sole proprietorship, joint venture,  
1814 corporation, limited liability company, association, or organization of any type.

1815            [~~(33)~~] (37) (a) "Plumbing trade" means the performance of any mechanical work  
1816 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in  
1817 buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and  
1818 fittings for the:

- 1819            (i) delivery of the water supply;
  - 1820            (ii) discharge of liquid and water carried waste;
  - 1821            (iii) building drainage system within the walls of the building; and
  - 1822            (iv) delivery of gases for lighting, heating, and industrial purposes.
- 1823            (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,

1824 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the  
1825 safe and adequate supply of gases, together with their devices, appurtenances, and connections  
1826 where installed within the outside walls of the building.

1827 [~~34~~] (38) "Ratio of apprentices" means the number of licensed plumber apprentices or  
1828 licensed electrician apprentices that are allowed to be under the immediate supervision of a  
1829 licensed supervisor as established by the provisions of this chapter and by rules made by the  
1830 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1831 Utah Administrative Rulemaking Act.

1832 [~~35~~] (39) "Residential and small commercial contractor" means a person licensed  
1833 under this chapter as a residential and small commercial contractor qualified by education,  
1834 training, experience, and knowledge to perform or superintend the construction of  
1835 single-family residences, multifamily residences up to four units, and commercial construction  
1836 of not more than three stories above ground and not more than 20,000 square feet, or any of the  
1837 components of that construction except plumbing, electrical work, mechanical work, and  
1838 manufactured housing installation, for which the residential and small commercial contractor  
1839 shall employ the services of a contractor licensed in the particular specialty, except that a  
1840 residential and small commercial contractor engaged in the construction of single-family and  
1841 multifamily residences up to four units may perform the mechanical work and hire a licensed  
1842 plumber or electrician as an employee.

1843 [~~36~~] (40) "Residential building," as it relates to the license classification of residential  
1844 journeyman plumber and residential master plumber, means a single or multiple family  
1845 dwelling of up to four units.

1846 [~~37~~] (41) (a) "Residential electrical contractor" means a person licensed under this  
1847 chapter as a residential electrical contractor qualified by education, training, experience, and  
1848 knowledge to perform the fabrication, construction, and installation of services, disconnecting  
1849 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,  
1850 appliances, and fixtures in a residential unit.

1851 (b) The scope of work of a residential electrical contractor may be further defined by  
1852 rules made by the commission, with the concurrence of the director, in accordance with Title  
1853 63G, Chapter 3, Utah Administrative Rulemaking Act.

1854 [~~38~~] (42) "Residential journeyman electrician" means a person licensed under this

1855 chapter as a residential journeyman electrician having the qualifications, training, experience,  
1856 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,  
1857 power, and other purposes on buildings using primarily nonmetallic sheath cable.

1858 ~~[(39)]~~ (43) "Residential journeyman plumber" means a person licensed under this  
1859 chapter as a residential journeyman plumber having the qualifications, training, experience, and  
1860 knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

1861 ~~[(40)]~~ (44) "Residential master electrician" means a person licensed under this chapter  
1862 as a residential master electrician having the qualifications, training, experience, and  
1863 knowledge to properly plan, layout, and supervise the wiring, installation, and repair of  
1864 electrical apparatus and equipment for light, heat, power, and other purposes on residential  
1865 projects.

1866 ~~[(41)]~~ (45) "Residential master plumber" means a person licensed under this chapter as  
1867 a residential master plumber having the qualifications, training, experience, and knowledge to  
1868 properly plan and layout projects and supervise persons in the plumbing trade as limited to the  
1869 plumbing of residential buildings.

1870 ~~[(42)]~~ (46) (a) "Residential plumbing contractor" means a person licensed under this  
1871 chapter as a residential plumbing contractor qualified by education, training, experience, and  
1872 knowledge to perform the fabrication or installation of material and fixtures to create and  
1873 maintain sanitary conditions in residential buildings by providing permanent means for a  
1874 supply of safe and pure water, a means for the timely and complete removal from the premises  
1875 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities  
1876 incidental to life and the occupation of such premises, and a safe and adequate supply of gases  
1877 for lighting, heating, and residential purposes.

1878 (b) The scope of work of a residential plumbing contractor may be further defined by  
1879 rules made by the commission, with the concurrence of the director, in accordance with Title  
1880 63G, Chapter 3, Utah Administrative Rulemaking Act.

1881 ~~[(43)]~~ (47) "Residential project," as it relates to an electrician or electrical contractor,  
1882 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard  
1883 rules and regulations governing this work, including the National Electrical Code, and in which  
1884 the voltage does not exceed 250 volts line to line and 125 volts to ground.

1885 (48) "Responsible management personnel" means:

1886 (a) a qualifying agent;

1887 (b) an operations manager; or

1888 (c) a site manager.

1889 [~~44~~] (49) "Sensitive alarm system information" means:

1890 (a) a pass code or other code used in the operation of an alarm system;

1891 (b) information on the location of alarm system components at the premises of a  
1892 customer of the alarm business providing the alarm system;

1893 (c) information that would allow the circumvention, bypass, deactivation, or other  
1894 compromise of an alarm system of a customer of the alarm business providing the alarm  
1895 system; and

1896 (d) any other similar information that the division by rule determines to be information  
1897 that an individual employed by an alarm business should use or have access to only if the  
1898 individual is licensed as provided in this chapter.

1899 [~~45~~] (50) (a) "Specialty contractor" means a person licensed under this chapter under  
1900 a specialty contractor classification established by rule, who is qualified by education, training,  
1901 experience, and knowledge to perform those construction trades and crafts requiring  
1902 specialized skill, the regulation of which are determined by the division to be in the best  
1903 interest of the public health, safety, and welfare.

1904 (b) A specialty contractor may perform work in crafts or trades other than those in  
1905 which the specialty contractor is licensed if they are incidental to the performance of the  
1906 specialty contractor's licensed craft or trade.

1907 [~~46~~] (51) "Unincorporated entity" means an entity that is not:

1908 (a) an individual;

1909 (b) a corporation; or

1910 (c) publicly traded.

1911 [~~47~~] (52) "Unlawful conduct" means the same as that term is defined in Sections  
1912 [58-1-501](#) and [58-55-501](#).

1913 [~~48~~] (53) "Unprofessional conduct" means the same as that term is defined in  
1914 Sections [58-1-501](#) and [58-55-502](#) and as may be further defined by rule.

1915 [~~49~~] (54) "Wages" means amounts due to an employee for labor or services whether  
1916 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for

1917 calculating the amount.

1918 Section 21. Section **58-55-302** is amended to read:

1919 **58-55-302. Qualifications for licensure.**

1920 (1) Each applicant for a license under this chapter shall:

1921 (a) submit an application prescribed by the division;

1922 (b) pay a fee as determined by the department under Section [63J-1-504](#);

1923 (c) meet the examination requirements established by this section and by rule by the  
1924 commission with the concurrence of the director, which requirements include:

1925 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty  
1926 contractor, no division-administered examination is required;

1927 (ii) for licensure as a general building contractor, general engineering contractor,  
1928 residential and small commercial contractor, general plumbing contractor, residential plumbing  
1929 contractor, general electrical contractor, or residential electrical contractor, the only required  
1930 division-administered examination is a division-administered examination that covers  
1931 information from the 25-hour course described in Subsection (1)(e)(iii), which course may  
1932 have been previously completed as part of applying for any other license under this chapter,  
1933 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law  
1934 course described in Subsection (1)(e)(iv); and

1935 (iii) if required in Section [58-55-304](#), an individual qualifier must pass the required  
1936 division-administered examination if the applicant is a business entity;

1937 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

1938 (e) if an applicant for a contractor's license:

1939 (i) produce satisfactory evidence of financial responsibility, except for a construction  
1940 trades instructor for whom evidence of financial responsibility is not required;

1941 (ii) produce satisfactory evidence of:

1942 (A) except as provided in Subsection (2)(a), and except that no employment experience  
1943 is required for licensure as a specialty contractor, two years full-time paid employment  
1944 experience in the construction industry, which employment experience, unless more  
1945 specifically described in this section, may be related to any contracting classification and does  
1946 not have to include supervisory experience; and

1947 (B) knowledge of the principles of the conduct of business as a contractor, reasonably

1948 necessary for the protection of the public health, safety, and welfare;

1949 (iii) except as otherwise provided by rule by the commission with the concurrence of  
1950 the director, complete a 25-hour course established by rule by the commission with the  
1951 concurrence of the director, which is taught by an approved prelicensure course provider, and  
1952 which course may include:

1953 (A) construction business practices;

1954 (B) bookkeeping fundamentals;

1955 (C) mechanics lien fundamentals;

1956 (D) other aspects of business and construction principles considered important by the  
1957 commission with the concurrence of the director; and

1958 (E) for no additional fee, a provider-administered examination at the end of the  
1959 25-hour course;

1960 (iv) complete a five-hour business and law course established by rule by the  
1961 commission with the concurrence of the director, which is taught by an approved prelicensure  
1962 course provider, if an applicant for licensure as a general building contractor, general  
1963 engineering contractor, residential and small commercial contractor, general plumbing  
1964 contractor, residential plumbing contractor, general electrical contractor, or residential  
1965 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was  
1966 completed before July 1, 2019, the applicant does not need to take the business and law course;

1967 (v) (A) be a licensed master electrician if an applicant for an electrical contractor's  
1968 license or a licensed master residential electrician if an applicant for a residential electrical  
1969 contractor's license;

1970 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or  
1971 a licensed master residential plumber if an applicant for a residential plumbing contractor's  
1972 license; or

1973 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years  
1974 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

1975 (vi) when the applicant is an unincorporated entity, provide a list of the one or more  
1976 individuals who hold an ownership interest in the applicant as of the day on which the  
1977 application is filed that includes for each individual:

1978 (A) the individual's name, address, birth date, and social security number or other



1979 satisfactory evidence of the applicant's identity permitted under rules made by the division in  
1980 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1981 (B) whether the individual will engage in a construction trade; and

1982 (f) if an applicant for a construction trades instructor license, satisfy any additional  
1983 requirements established by rule.

1984 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a  
1985 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory  
1986 evidence of two years full-time paid employment experience as a building inspector, which  
1987 shall include at least one year full-time experience as a licensed combination inspector.

1988 (b) The applicant shall file the following with the division before the division issues  
1989 the license:

1990 (i) proof of workers' compensation insurance which covers employees of the applicant  
1991 in accordance with applicable Utah law;

1992 (ii) proof of public liability insurance in coverage amounts and form established by rule  
1993 except for a construction trades instructor for whom public liability insurance is not required;  
1994 and

1995 (iii) proof of registration as required by applicable law with the:

1996 (A) Department of Commerce;

1997 (B) Division of Corporations and Commercial Code;

1998 (C) Unemployment Insurance Division in the Department of Workforce Services, for  
1999 purposes of Title 35A, Chapter 4, Employment Security Act;

2000 (D) State Tax Commission; and

2001 (E) Internal Revenue Service.

2002 (3) In addition to the general requirements for each applicant in Subsection (1),  
2003 applicants shall comply with the following requirements to be licensed in the following  
2004 classifications:

2005 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

2006 (A) has been a licensed journeyman plumber for at least two years and had two years of  
2007 supervisory experience as a licensed journeyman plumber in accordance with division rule;

2008 (B) has received at least an associate of applied science degree or similar degree  
2009 following the completion of a course of study approved by the division and had one year of

2010 supervisory experience as a licensed journeyman plumber in accordance with division rule; or  
2011 (C) meets the qualifications for expedited licensure as established by rules made by the  
2012 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2013 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2014 and skills to be a licensed master plumber.

2015 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
2016 least four years of practical experience as a licensed apprentice under the supervision of a  
2017 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
2018 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
2019 master plumber license under this chapter, and satisfies the requirements of this Subsection  
2020 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

2021 (iii) An individual holding a valid plumbing contractor's license or residential  
2022 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,  
2023 2008:

2024 (A) considered to hold a current master plumber license under this chapter if licensed  
2025 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
2026 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
2027 58-55-303; and

2028 (B) considered to hold a current residential master plumber license under this chapter if  
2029 licensed as a residential plumbing contractor and a residential journeyman plumber, and  
2030 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of  
2031 that license under Section 58-55-303.

2032 (b) A master residential plumber applicant shall produce satisfactory evidence that the  
2033 applicant:

2034 (i) has been a licensed residential journeyman plumber for at least two years and had  
2035 two years of supervisory experience as a licensed residential journeyman plumber in  
2036 accordance with division rule; or

2037 (ii) meets the qualifications for expedited licensure as established by rules made by the  
2038 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2039 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2040 and skills to be a licensed master residential plumber.

- 2041 (c) A journeyman plumber applicant shall produce satisfactory evidence of:
- 2042 (i) successful completion of the equivalent of at least four years of full-time training
- 2043 and instruction as a licensed apprentice plumber under supervision of a licensed master
- 2044 plumber or journeyman plumber and in accordance with a planned program of training
- 2045 approved by the division;
- 2046 (ii) at least eight years of full-time experience approved by the division in collaboration
- 2047 with the Plumbers Licensing Board; or
- 2048 (iii) meeting the qualifications for expedited licensure as established by rules made by
- 2049 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
- 2050 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
- 2051 and skills to be a licensed journeyman plumber.
- 2052 (d) A residential journeyman plumber shall produce satisfactory evidence of:
- 2053 (i) completion of the equivalent of at least three years of full-time training and
- 2054 instruction as a licensed apprentice plumber under the supervision of a licensed residential
- 2055 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
- 2056 accordance with a planned program of training approved by the division;
- 2057 (ii) completion of at least six years of full-time experience in a maintenance or repair
- 2058 trade involving substantial plumbing work; or
- 2059 (iii) meeting the qualifications for expedited licensure as established by rules made by
- 2060 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
- 2061 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
- 2062 and skills to be a licensed residential journeyman plumber.
- 2063 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
- 2064 in accordance with the following:
- 2065 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
- 2066 under the immediate supervision of a licensed master plumber, licensed residential master
- 2067 plumber, licensed journeyman plumber, or licensed residential journeyman plumber;
- 2068 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed
- 2069 apprentice plumber may work without supervision for a period not to exceed eight hours in any
- 2070 24-hour period; and
- 2071 (iii) rules made by the commission, with the concurrence of the director, in accordance

2072 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
2073 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
2074 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
2075 immediate supervision of a licensed supervisor.

2076 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

2077 (i) is a graduate electrical engineer of an accredited college or university approved by  
2078 the division and has one year of practical electrical experience as a licensed apprentice  
2079 electrician;

2080 (ii) is a graduate of an electrical trade school, having received an associate of applied  
2081 sciences degree following successful completion of a course of study approved by the division,  
2082 and has two years of practical experience as a licensed journeyman electrician;

2083 (iii) has four years of practical experience as a journeyman electrician; or

2084 (iv) meets the qualifications for expedited licensure as established by rules made by the  
2085 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2086 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2087 and skills to be a licensed master electrician.

2088 (g) A master residential electrician applicant shall produce satisfactory evidence that  
2089 the applicant:

2090 (i) has at least two years of practical experience as a residential journeyman electrician;  
2091 or

2092 (ii) meets the qualifications for expedited licensure as established by rules made by the  
2093 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2094 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2095 and skills to be a master residential electrician.

2096 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
2097 applicant:

2098 (i) has successfully completed at least four years of full-time training and instruction as  
2099 a licensed apprentice electrician under the supervision of a master electrician or journeyman  
2100 electrician and in accordance with a planned training program approved by the division;

2101 (ii) has at least eight years of full-time experience approved by the division in  
2102 collaboration with the Electricians Licensing Board; or

2103 (iii) meets the qualifications for expedited licensure as established by rules made by the  
2104 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2105 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2106 and skills to be a licensed journeyman electrician.

2107 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
2108 that the applicant:

2109 (i) has successfully completed two years of training in an electrical training program  
2110 approved by the division;

2111 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
2112 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
2113 journeyman, residential master, or residential journeyman electrician; or

2114 (iii) meets the qualifications for expedited licensure as established by rules made by the  
2115 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
2116 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
2117 and skills to be a licensed residential journeyman electrician.

2118 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
2119 be in accordance with the following:

2120 (i) A licensed apprentice electrician shall be under the immediate supervision of a  
2121 licensed master, journeyman, residential master, or residential journeyman electrician;

2122 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed  
2123 apprentice electrician may work without supervision for a period not to exceed eight hours in  
2124 any 24-hour period;

2125 (iii) rules made by the commission, with the concurrence of the director, in accordance  
2126 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
2127 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
2128 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
2129 immediate supervision of a licensed supervisor; and

2130 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a  
2131 residential project, or more if established by rules made by the commission, in concurrence  
2132 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2133 Act.

2134 (k) An alarm company applicant shall:

2135 (i) have a qualifying agent who [~~is an officer, director, partner, proprietor, or manager~~  
2136 ~~of the applicant who~~]:

2137 (A) is an alarm company officer, alarm company owner, alarm company proprietor, an  
2138 alarm company trustee, or other responsible management personnel;

2139 [~~(A)~~] (B) demonstrates 6,000 hours of experience in the alarm company business;

2140 [~~(B)~~] (C) demonstrates 2,000 hours of experience as a manager or administrator in the  
2141 alarm company business or in a construction business; and

2142 [~~(C)~~] (D) passes an examination component established by rule by the commission  
2143 with the concurrence of the director;

2144 (ii) provide the name, address, date of birth, social security number, fingerprint card,  
2145 and consent to a background check in accordance with Section [58-55-302.1](#) and requirements

2146 established by division rule made in accordance with Title 63G, Chapter 3, Utah

2147 Administrative Rulemaking Act, for each alarm company officer, alarm company owner, alarm

2148 company proprietor, alarm company trustee, and responsible management personnel with direct  
2149 responsibility for managing operations of the applicant within the state;

2150 [~~(ii) if a corporation, provide:~~]

2151 [~~(A) the names, addresses, dates of birth, social security numbers, and fingerprint cards~~  
2152 ~~of all corporate officers, directors, and those responsible management personnel employed~~  
2153 ~~within the state or having direct responsibility for managing operations of the applicant within~~  
2154 ~~the state; and]~~

2155 [~~(B) the names, addresses, dates of birth, social security numbers, and fingerprint cards~~  
2156 ~~of all shareholders owning 5% or more of the outstanding shares of the corporation, except this~~  
2157 ~~shall not be required if the stock is publicly listed and traded;]~~

2158 [~~(iii) if a limited liability company, provide:~~]

2159 [~~(A) the names, addresses, dates of birth, social security numbers, and fingerprint cards~~  
2160 ~~of all company officers, and those responsible management personnel employed within the~~  
2161 ~~state or having direct responsibility for managing operations of the applicant within the state;~~  
2162 ~~and]~~

2163 [~~(B) the names, addresses, dates of birth, social security numbers, and fingerprint cards~~  
2164 ~~of all individuals owning 5% or more of the equity of the company;]~~

2165 ~~[(iv) if a partnership, provide the names, addresses, dates of birth, social security~~  
2166 ~~numbers, and fingerprint cards of all general partners, and those responsible management~~  
2167 ~~personnel employed within the state or having direct responsibility for managing operations of~~  
2168 ~~the applicant within the state;]~~

2169 ~~[(v) if a proprietorship, provide the names, addresses, dates of birth, social security~~  
2170 ~~numbers, and fingerprint cards of the proprietor, and those responsible management personnel~~  
2171 ~~employed within the state or having direct responsibility for managing operations of the~~  
2172 ~~applicant within the state;]~~

2173 ~~[(vi) if a trust, provide the names, addresses, dates of birth, social security numbers,~~  
2174 ~~and fingerprint cards of the trustee, and those responsible management personnel employed~~  
2175 ~~within the state or having direct responsibility for managing operations of the applicant within~~  
2176 ~~the state;]~~

2177 ~~[(vii) (iii) document that none of the [applicant's officers, directors, shareholders~~  
2178 ~~described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible~~  
2179 ~~management personnel] persons described in Subsection (3)(k)(ii):~~

2180 ~~(A) have been declared by any court of competent jurisdiction incompetent by reason~~  
2181 ~~of mental defect or disease and not been restored; or~~

2182 ~~[(viii) document that none of the applicant's officers, directors, shareholders described~~  
2183 ~~in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel]~~

2184 ~~(B) are currently suffering from habitual drunkenness or from drug addiction or~~  
2185 ~~dependence;~~

2186 ~~[(ix) (iv) file and maintain with the division evidence of:~~

2187 ~~(A) comprehensive general liability insurance in form and in amounts to be established~~  
2188 ~~by rule by the commission with the concurrence of the director;~~

2189 ~~(B) workers' compensation insurance that covers employees of the applicant in~~  
2190 ~~accordance with applicable Utah law; and~~

2191 ~~(C) registration as is required by applicable law with the:~~

2192 ~~(I) Division of Corporations and Commercial Code;~~

2193 ~~(II) Unemployment Insurance Division in the Department of Workforce Services, for~~  
2194 ~~purposes of Title 35A, Chapter 4, Employment Security Act;~~

2195 ~~(III) State Tax Commission; and~~

2196 (IV) Internal Revenue Service; and  
2197 [~~(x)~~] (v) meet with the division and board.  
2198 (l) Each applicant for licensure as an alarm company agent shall:  
2199 (i) submit an application in a form prescribed by the division accompanied by  
2200 fingerprint cards;  
2201 (ii) pay a fee determined by the department under Section [63J-1-504](#);  
2202 (iii) submit to and pass a criminal background check in accordance with Section  
2203 [58-55-302.1](#) and requirements established by division rule made in accordance with Title 63G,  
2204 Chapter 3, Utah Administrative Rulemaking Act;  
2205 [~~(iii)~~] (iv) not have been declared by any court of competent jurisdiction incompetent  
2206 by reason of mental defect or disease and not been restored;  
2207 [~~(iv)~~] (v) not be currently suffering from habitual drunkenness or from drug addiction  
2208 or dependence; and  
2209 [~~(v)~~] (vi) meet with the division and board if requested by the division or the board.  
2210 (m) (i) Each applicant for licensure as an elevator mechanic shall:  
2211 (A) provide documentation of experience and education credits of not less than three  
2212 years work experience in the elevator industry, in construction, maintenance, or service and  
2213 repair; and  
2214 (B) satisfactorily complete a written examination administered by the division  
2215 established by rule under Section [58-1-203](#); or  
2216 (C) provide certificates of completion of an apprenticeship program for elevator  
2217 mechanics, having standards substantially equal to those of this chapter and registered with the  
2218 United States Department of Labor Bureau Apprenticeship and Training or a state  
2219 apprenticeship council.  
2220 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed  
2221 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,  
2222 repairing, or maintaining an elevator, the contractor may:  
2223 (I) notify the division of the unavailability of licensed personnel; and  
2224 (II) request the division issue a temporary elevator mechanic license to an individual  
2225 certified by the contractor as having an acceptable combination of documented experience and  
2226 education to perform the work described in this Subsection (3)(m)(ii)(A).



2227 (B) (I) The division may issue a temporary elevator mechanic license to an individual  
2228 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by  
2229 the appropriate fee as determined by the department under Section [63J-1-504](#).

2230 (II) The division shall specify the time period for which the license is valid and may  
2231 renew the license for an additional time period upon its determination that a shortage of  
2232 licensed elevator mechanics continues to exist.

2233 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2234 division may make rules establishing when Federal Bureau of Investigation records shall be  
2235 checked for applicants as an alarm company or alarm company agent under this section and  
2236 Section [58-55-302.1](#).

2237 [~~(5) For each applicant described in Subsection (3)(k) or (l), the division shall provide~~  
2238 ~~an appropriate number of copies of fingerprint cards to the Department of Public Safety with~~  
2239 ~~the division's request to:]~~

2240 [~~(a) conduct a search of records of the Department of Public Safety for criminal history~~  
2241 ~~information relating to each applicant for licensure as an alarm company or alarm company~~  
2242 ~~agent and each applicant's officers, directors, shareholders described in Subsection~~  
2243 ~~(3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and]~~

2244 [~~(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant~~  
2245 ~~requiring a check of records of the Federal Bureau of Investigation for criminal history~~  
2246 ~~information under this section:]~~

2247 [~~(6) The Department of Public Safety shall send to the division:]~~

2248 [~~(a) a written record of criminal history, or certification of no criminal history record,~~  
2249 ~~as contained in the records of the Department of Public Safety in a timely manner after receipt~~  
2250 ~~of a fingerprint card from the division and a request for review of Department of Public Safety~~  
2251 ~~records; and]~~

2252 [~~(b) the results of the Federal Bureau of Investigation review concerning an applicant~~  
2253 ~~in a timely manner after receipt of information from the Federal Bureau of Investigation:]~~

2254 [~~(7) (a) The division shall charge each applicant for licensure as an alarm company or~~  
2255 ~~alarm company agent a fee, in accordance with Section [63J-1-504](#), equal to the cost of~~  
2256 ~~performing the records reviews under this section.]~~

2257 [~~(b) The division shall pay the Department of Public Safety the costs of all records~~

2258 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the  
2259 costs of records reviews under this section.]

2260 [~~(8) Information obtained by the division from the reviews of criminal history records~~  
2261 ~~of the Department of Public Safety and the Federal Bureau of Investigation shall be used or~~  
2262 ~~disseminated by the division only for the purpose of determining if an applicant for licensure as~~  
2263 ~~an alarm company or alarm company agent is qualified for licensure.]~~

2264 [(9)] (5) (a) An application for licensure under this chapter shall be denied if:

2265 (i) the applicant has had a previous license, which was issued under this chapter,  
2266 suspended or revoked within two years before the date of the applicant's application;

2267 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

2268 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
2269 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
2270 status, performing similar functions, or directly or indirectly controlling the applicant has  
2271 served in any similar capacity with any person or entity which has had a previous license,  
2272 which was issued under this chapter, suspended or revoked within two years before the date of  
2273 the applicant's application;

2274 (iii) (A) the applicant is an individual or sole proprietorship; and

2275 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
2276 Subsection [~~(9)(a)(ii)(B)] (5)(a)(ii)(B) in any entity which has had a previous license, which~~  
2277 ~~was issued under this chapter, suspended or revoked within two years before the date of the~~  
2278 ~~applicant's application; or~~

2279 (iv) (A) the applicant includes an individual who was an owner, director, or officer of  
2280 an unincorporated entity at the time the entity's license under this chapter was revoked; and

2281 (B) the application for licensure is filed within 60 months after the revocation of the  
2282 unincorporated entity's license.

2283 (b) An application for licensure under this chapter shall be reviewed by the appropriate  
2284 licensing board prior to approval if:

2285 (i) the applicant has had a previous license, which was issued under this chapter,  
2286 suspended or revoked more than two years before the date of the applicant's application;

2287 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

2288 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the

2289 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
 2290 status, performing similar functions, or directly or indirectly controlling the applicant has  
 2291 served in any similar capacity with any person or entity which has had a previous license,  
 2292 which was issued under this chapter, suspended or revoked more than two years before the date  
 2293 of the applicant's application; or

2294 (iii) (A) the applicant is an individual or sole proprietorship; and

2295 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
 2296 Subsection ~~[(9)(b)(ii)(B)]~~ (5)(a)(ii)(B) in any entity which has had a previous license, which  
 2297 was issued under this chapter, suspended or revoked more than two years before the date of the  
 2298 applicant's application.

2299 ~~[(10)]~~ (6) (a) (i) A licensee that is an unincorporated entity shall file an ownership  
 2300 status report with the division every 30 days after the day on which the license is issued if the  
 2301 licensee has more than five owners who are individuals who:

2302 (A) own an interest in the contractor that is an unincorporated entity;

2303 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the  
 2304 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the  
 2305 unincorporated entity; and

2306 (C) engage, or will engage, in a construction trade in the state as owners of the  
 2307 contractor described in Subsection ~~[(10)(a)(i)(A)]~~ (6)(a)(i)(A).

2308 (ii) If the licensee has five or fewer owners described in Subsection ~~[(10)(a)(i)]~~  
 2309 (6)(a)(i), the licensee shall provide the ownership status report with an application for renewal  
 2310 of licensure.

2311 (b) An ownership status report required under this Subsection ~~[(10)]~~ (6) shall:

2312 (i) specify each addition or deletion of an owner:

2313 (A) for the first ownership status report, after the day on which the unincorporated  
 2314 entity is licensed under this chapter; and

2315 (B) for a subsequent ownership status report, after the day on which the previous  
 2316 ownership status report is filed;

2317 (ii) be in a format prescribed by the division that includes for each owner, regardless of  
 2318 the owner's percentage ownership in the unincorporated entity, the information described in  
 2319 Subsection (1)(e)(vi);

2320 (iii) list the name of:  
2321 (A) each officer or manager of the unincorporated entity; and  
2322 (B) each other individual involved in the operation, supervision, or management of the  
2323 unincorporated entity; and  
2324 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504  
2325 if the ownership status report indicates there is a change described in Subsection [~~(10)(b)(i)~~]  
2326 (6)(b)(i).  
2327 (c) The division may, at any time, audit an ownership status report under this  
2328 Subsection [~~(10)~~] (6):  
2329 (i) to determine if financial responsibility has been demonstrated or maintained as  
2330 required under Section 58-55-306; and  
2331 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or  
2332 Subsection 58-55-502(8) or (9).  
2333 [~~(11)~~] (7) (a) An unincorporated entity that provides labor to an entity licensed under  
2334 this chapter by providing an individual who owns an interest in the unincorporated entity to  
2335 engage in a construction trade in Utah shall file with the division:  
2336 (i) before the individual who owns an interest in the unincorporated entity engages in a  
2337 construction trade in Utah, a current list of the one or more individuals who hold an ownership  
2338 interest in the unincorporated entity that includes for each individual:  
2339 (A) the individual's name, address, birth date, and social security number; and  
2340 (B) whether the individual will engage in a construction trade; and  
2341 (ii) every 30 days after the day on which the unincorporated entity provides the list  
2342 described in Subsection [~~(11)(a)(i)~~] (7)(a)(i), an ownership status report containing the  
2343 information that would be required under Subsection [~~(10)~~] (6) if the unincorporated entity  
2344 were a licensed contractor.  
2345 (b) When filing an ownership list described in Subsection [~~(11)(a)(i)~~] (7)(a)(i) or an  
2346 ownership status report described in Subsection [~~(11)(a)(ii)~~], (7)(a)(i) an unincorporated entity  
2347 shall pay a fee set by the division in accordance with Section 63J-1-504.  
2348 [~~(12)~~] (8) This chapter may not be interpreted to create or support an express or  
2349 implied independent contractor relationship between an unincorporated entity described in  
2350 Subsection [~~(10)~~] (6) or [~~(11)~~] (7) and the owners of the unincorporated entity for any purpose,

2351 including income tax withholding.

2352 ~~[(13)]~~ (9) (a) A social security number provided under Subsection (1)(e)(vi) or

2353 ~~(3)(k)(ii)~~ is a private record under Subsection [63G-2-302](#)(1)(i).

2354 (b) The division may designate an applicant's evidence of identity under Subsection

2355 (1)(e)(iv) as a private record in accordance with Section 63G-2-302.

2356 Section 22. Section **58-55-302.1** is enacted to read:

2357 **58-55-302.1. Criminal background check.**

2358 (1) An applicant for licensure under this chapter who requires a criminal background  
2359 check shall:

2360 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
2361 application is filed; and

2362 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
2363 Identification and the Federal Bureau of Investigation regarding the application.

2364 (2) The division shall:

2365 (a) in addition to other fees authorized by this chapter, collect from each applicant  
2366 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
2367 Identification is authorized to collect for the services provided under Section [53-10-108](#) and the  
2368 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
2369 obtaining federal criminal history record information;

2370 (b) submit from each applicant the fingerprint card and the fees described in  
2371 Subsection (2)(a) to the Bureau of Criminal Identification; and

2372 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
2373 Criminal Identification in accordance with Section [53-10-108](#) for each applicant.

2374 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
2375 Section [53-10-108](#):

2376 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
2377 and regional criminal records databases;

2378 (b) forward the fingerprints to the Federal Bureau of Investigation for a national  
2379 criminal history background check; and

2380 (c) provide the results from the state, regional, and nationwide criminal history  
2381 background checks to the division.

2382           (4) For purposes of conducting a criminal background check required under this  
2383 section, the division shall have direct access to criminal background information maintained  
2384 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

2385           (5) The division may not disseminate outside of the division any criminal history  
2386 record information that the division obtains from the Bureau of Criminal Identification or the  
2387 Federal Bureau of Investigation under the criminal background check requirements of this  
2388 section.

2389           (6) (a) A new license issued under Section 58-55-302 is conditional pending  
2390 completion of the criminal background check.

2391           (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
2392 criminal background check required in Section 58-55-302 demonstrates the applicant or the  
2393 applicant's officer, director, shareholder, general partner, proprietor, trustee, or other  
2394 responsible management personnel has failed to accurately disclose a criminal history, the  
2395 license is immediately and automatically revoked upon notice to the licensee by the division.

2396           (c) A person whose conditional license has been revoked under Subsection (6)(b) is  
2397 entitled to a postrevocation hearing to challenge the revocation.

2398           (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
2399 Chapter 4, Administrative Procedures Act.

2400           Section 23. Section **58-55-303** is amended to read:

2401           **58-55-303. Term of license -- Expiration -- Renewal.**

2402           (1) (a) Each license issued under this chapter shall be issued in accordance with a  
2403 two-year renewal cycle established by rule.

2404           (b) The division may by rule extend or shorten a renewal period by as much as one year  
2405 to stagger the renewal cycle it administers.

2406           (c) (i) Notwithstanding a renewal cycle under Subsection (1)(a) or (b), notwithstanding  
2407 Title 63G, Chapter 4, Administrative Procedures Act, and subject to Subsection (1)(c)(ii), a  
2408 license is automatically suspended 60 days after the licensee:

2409           (A) becomes, after the time of licensing, an unincorporated entity that is subject to the  
2410 ownership status report filing requirements of Subsection [~~58-55-302(10)(a)(i)]~~

2411 ~~58-55-302(10)(a)(i)]~~; or

2412           (B) transfers its license to an unincorporated entity that is subject to the ownership

2413 status report filing requirements of Subsection [~~58-55-302(10)(a)(i)~~] 58-55-302(6)(a)(i).

2414 (ii) An automatic suspension does not occur under Subsection (1)(c)(i) if, before the  
2415 expiration of the 60-day period in Subsection (1)(c)(i):

2416 (A) the licensee submits an application for renewal of the license; and

2417 (B) the division renews the licensee's license pursuant to the licensee's application for  
2418 renewal.

2419 (iii) Within 30 days after the effective date of a suspension under Subsection (1)(c)(i),  
2420 the commission shall, in accordance with Title 63G, Chapter 4, Administrative Procedures Act,  
2421 make a final determination concerning the suspension.

2422 (2) At the time of renewal, the licensee shall show satisfactory evidence of:

2423 (a) continuing financial responsibility as required under Section 58-55-306;

2424 (b) for a contractor licensee, completion of six hours of approved continuing education,  
2425 as required in Section 58-55-302.5; and

2426 (c) if the licensee is an apprentice electrician or plumber, journeyman electrician or  
2427 plumber, master electrician or plumber, residential journeyman electrician or plumber, or  
2428 residential master electrician or plumber, completion of the number of hours of continuing  
2429 education specified under Section 58-55-302.7.

2430 (3) Each license automatically expires on the expiration date shown on the license  
2431 unless the licensee renews the license in accordance with Section 58-1-308.

2432 (4) The requirements of Subsection [~~58-55-302(9)~~] 58-55-302(5) shall also apply to  
2433 applicants seeking to renew or reinstate a license.

2434 (5) In addition to any other requirements imposed by law, if a license has been  
2435 suspended or revoked for any reason, the applicant:

2436 (a) shall pay in full all fines imposed by the division;

2437 (b) resolve any outstanding citations or disciplinary actions with the division;

2438 (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution;

2439 (d) complete a new financial responsibility review as required under Section  
2440 58-55-306, using only titled assets; and

2441 (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11,  
2442 Residence Lien Restriction and Lien Recovery Fund Act.

2443 Section 24. Section **58-55-503** is amended to read:

2444 **58-55-503. Penalty for unlawful conduct -- Citations.**

2445 (1) As used in this section:

2446 (a) "Person" means, in reference to Subsection 58-55-504(2), an individual, and does  
2447 not include a sole proprietorship, joint venture, corporation, limited liability company,  
2448 association, or organization of any type.

2449 (b) "Qualifying violation" means a violation under:

2450 (i) Subsection 58-55-308(2);

2451 (ii) Subsections 58-55-501(1) through (3), (9), (10), (12), (14), (16)(e), (18), or (20)  
2452 through (28);

2453 (iii) Subsection 58-55-502(4)(a) or (11); or

2454 (iv) Subsection 58-55-504(2).

2455 (2) (a) [(f)] A person who violates Subsection [~~58-55-308(2), Subsection 58-55-501(1),~~  
2456 ~~(2), (3), (4), (5), (6),~~ 58-55-501(1) through (7), (9), (10), (12), (14), (15), (16)(e), [(21), (22),  
2457 ~~(23), (24), (25), (26), (27), or]~~ or (21) through (28), Subsection 58-55-308(2), or Subsection  
2458 58-55-504(2), or who fails to comply with a citation issued under this section after [it] the  
2459 citation is final, is guilty of a class A misdemeanor.

2460 [(ii) ~~As used in this section in reference to Subsection 58-55-504(2), "person" means an~~  
2461 ~~individual and does not include a sole proprietorship, joint venture, corporation, limited~~  
2462 ~~liability company, association, or organization of any type.]~~

2463 (b) A person who violates the provisions of Subsection 58-55-501(8) may not be  
2464 awarded and may not accept a contract for the performance of the work.

2465 [(2)] (3) A person who violates [the provisions of] Subsection 58-55-501(13) is guilty  
2466 of:

2467 (a) an infraction [unless the]; or

2468 (b) if the violator did so with the intent to deprive the person to whom money is to be  
2469 paid of the money received, [in which case the violator is guilty] of theft[-]; as classified in  
2470 Section 76-6-412.

2471 [(3)] (4) Grounds for immediate suspension of a licensee's license by the division and  
2472 the commission include:

2473 (a) the issuance of a citation for violation of Subsection 58-55-308(2), Section  
2474 58-55-501, or Subsection 58-55-504(2); and



2475 (b) the failure by a licensee to make application to, report to, or notify the division with  
 2476 respect to any matter for which application, notification, or reporting is required under this  
 2477 chapter or rules adopted under this chapter, including:

2478 (i) applying to the division for a new license to engage in a new specialty classification  
 2479 or to do business under a new form of organization or business structure;

2480 (ii) filing a current financial statement with the division; and

2481 (iii) notifying the division concerning loss of insurance coverage or change in qualifier.

2482 ~~[(4)]~~ (5) (a) (i) If upon inspection or investigation, the division concludes that a person  
 2483 has ~~[violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),~~  
 2484 ~~(10), (12), (14), (16)(c), (18), (20), (21), (22), (23), (24), (25), (26), (27), (28), Subsection~~  
 2485 ~~58-55-502(4)(a) or (11), Subsection 58-55-504(2),]~~ committed a qualifying violation or  
 2486 violated any rule or order issued with respect to ~~[these subsections]~~ a qualifying violation, and  
 2487 that disciplinary action is appropriate, the director or the director's designee from within the  
 2488 division shall:

2489 (A) promptly issue a citation to the person according to this chapter and any pertinent  
 2490 rules[;];

2491 (B) attempt to negotiate a stipulated settlement[;]; or

2492 (C) notify the person to appear before an adjudicative proceeding conducted under  
 2493 Title 63G, Chapter 4, Administrative Procedures Act.

2494 (ii) A person who ~~[is in violation of the provisions of Subsection 58-55-308(2),~~  
 2495 ~~Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (16)(c), (18), (20), (21), (22), (23), (24),~~  
 2496 ~~(25), (26), (27), or (28), or Subsection 58-55-504(2)]~~ committed a qualifying violation, as  
 2497 evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an  
 2498 adjudicative proceeding, may be assessed a fine ~~[pursuant to this Subsection (4)]~~ and may, in  
 2499 addition to or in lieu of, be ordered to cease and desist from ~~[violating Subsection~~  
 2500 ~~58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (16)(c), (18), (20), (21), (24),~~  
 2501 ~~(25), (26), (27), or (28), or Subsection 58-55-504(2)]~~ engaging in the qualifying violation.

2502 (iii) Except for a cease and desist order, the licensure sanctions cited in Section  
 2503 58-55-401 may not be assessed through a citation.

2504 (b) ~~[(f)]~~ A citation shall:

2505 (i) be in writing and describe with particularity the nature of the violation, including a

2506 reference to the provision of the chapter, rule, or order alleged to have been violated[-];

2507 (ii) [~~A citation shall~~] clearly state that the recipient must notify the division in writing  
2508 within 20 calendar days [~~of service of the citation~~] after the day on which the citation is served  
2509 if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4,  
2510 Administrative Procedures Act[-]; and

2511 (iii) [~~A citation shall~~] clearly explain the consequences of failure to timely contest the  
2512 citation or to make payment of any fines assessed by the citation within the time specified in  
2513 the citation.

2514 (c) A citation issued under this section, or a copy of a citation, may be served upon a  
2515 person upon whom a summons may be served:

2516 (i) in accordance with the Utah Rules of Civil Procedure;

2517 (ii) personally or upon the person's agent by a division investigator or by a person  
2518 specially designated by the director; or

2519 (iii) by mail.

2520 (d) (i) If within 20 calendar days after the day on which a citation is served, the person  
2521 to whom the citation was issued fails to request a hearing to contest the citation, the citation  
2522 becomes the final order of the division and is not subject to further agency review.

2523 (ii) The period to contest a citation may be extended by the division for cause.

2524 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation  
2525 the license of a licensee who fails to comply with a citation after the citation becomes final.

2526 (f) The failure of an applicant for licensure to comply with a citation after the citation  
2527 becomes final is a ground for denial of license.

2528 (g) A citation may not be issued under this section after the expiration of one year  
2529 [~~following~~] after the date on which the violation that is the subject of the citation is reported to  
2530 the division.

2531 (h) (i) Except as provided in Subsections [~~(4)(h)(ii)~~] (5)(h)(ii) and [~~(5);~~] (6), the  
2532 director or the director's designee shall assess a fine in accordance with the following:

2533 (A) for a first offense handled [~~pursuant to~~] under Subsection [~~(4)(a)~~] (5)(a), a fine of  
2534 up to \$1,000;

2535 (B) for a second offense handled [~~pursuant to~~] under Subsection [~~(4)(a);~~] (5)(a), a fine  
2536 of up to \$2,000; and

2537 (C) for any subsequent offense handled ~~[pursuant to]~~ under Subsection ~~[(4)(a)]~~ (5)(a), a  
 2538 fine of up to \$2,000 for each day of continued offense.

2539 (ii) Except as provided in Subsection ~~[(5);]~~ (6), if a person violates Subsection  
 2540 58-55-501(16)(e) or (28), the director or the director's designee shall assess a fine in  
 2541 accordance with the following:

2542 (A) for a first offense handled ~~[pursuant to]~~ under Subsection ~~[(4)(a);]~~ (5)(a), a fine of  
 2543 up to \$2,000;

2544 (B) for a second offense handled ~~[pursuant to]~~ under Subsection ~~[(4)(a);]~~ (5)(a), a fine  
 2545 of up to \$4,000; and

2546 (C) for any subsequent offense handled ~~[pursuant to]~~ under Subsection ~~[(4)(a);]~~ (5)(a),  
 2547 a fine of up to \$4,000 for each day of continued offense.

2548 (i) (i) For purposes of issuing a final order under this section and assessing a fine under  
 2549 Subsection ~~[(4)(h)]~~ (5)(h), an offense constitutes a second or subsequent offense if:

2550 (A) the division previously issued a final order determining that a person committed a  
 2551 first or second ~~[offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),~~  
 2552 ~~(3), (9), (10), (12), (14), (16)(c), (18), (23), (24), (25), (26), (27), or (28), or Subsection~~  
 2553 58-55-504(2)] qualifying violation; or

2554 (B) (I) the division initiated an action for a first or second offense;

2555 (II) a final order has not been issued by the division in the action initiated under  
 2556 Subsection ~~[(4)(i)(i)(B)(I)]~~ (5)(i)(i)(B)(I);

2557 (III) the division determines during an investigation that occurred after the initiation of  
 2558 the action under Subsection ~~[(4)(i)(i)(B)(I)]~~ (5)(i)(i)(B)(I) that the person committed a second  
 2559 or subsequent ~~[violation of the provisions of Subsection 58-55-308(2), Subsection~~  
 2560 58-55-501(1), (2), (3), (9), (10), (12), (14), (16)(c), (18), (19), (23), (24), (25), (26), (27), (28),  
 2561 ~~or Subsection 58-55-504(2)]~~ qualifying violation; and

2562 (IV) after determining that the person committed a second or subsequent ~~[offense]~~  
 2563 qualifying violation under Subsection ~~[(4)(i)(i)(B)(III)]~~ (5)(i)(i)(B)(III), the division issues a  
 2564 final order on the action initiated under Subsection ~~[(4)(i)(i)(B)(I)]~~ (5)(i)(i)(B)(I).

2565 (ii) In issuing a final order for a second or subsequent offense under Subsection  
 2566 ~~[(4)(i)(i);]~~ (5)(i)(i), the division shall comply with the requirements of this section.

2567 (j) In addition to any other licensure sanction or fine imposed under this section, the

2568 division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24)  
2569 two or more times within a 12-month period, unless, with respect to a violation of Subsection  
2570 58-55-501(23), the licensee can demonstrate that the licensee successfully verified the federal  
2571 legal working status of the individual who was the subject of the violation using a status  
2572 verification system, as defined in Section 13-47-102.

2573 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24)  
2574 for each individual is considered a separate violation.

2575 ~~[(5)]~~ (6) If a person violates Section 58-55-501, the division may not treat the violation  
2576 as a subsequent violation of a previous violation if the violation occurs five years or more after  
2577 the day on which the person committed the previous violation.

2578 ~~[(6)]~~ (7) If, after an investigation, the division determines that a person has committed  
2579 multiple of the same type of violation of Section 58-55-501, the division may treat each  
2580 violation as a separate violation of Section 58-55-501 and apply a penalty under this section to  
2581 each violation.

2582 ~~[(7)]~~ (8) (a) A penalty imposed by the director under Subsection ~~[(4)(h)]~~ (5) shall be  
2583 deposited into the Commerce Service Account created by Section 13-1-2.

2584 (b) A penalty that is not paid may be collected by the director by either referring the  
2585 matter to a collection agency or bringing an action in the district court of the county in which  
2586 the person against whom the penalty is imposed resides or in the county where the office of the  
2587 director is located.

2588 (c) A county attorney or the attorney general of the state shall provide legal assistance  
2589 and advice to the director in an action to collect a penalty.

2590 (d) In an action brought to collect a penalty, the court shall award reasonable attorney  
2591 fees and costs to the prevailing party.

2592 Section 25. Section 58-63-102 is amended to read:

2593 **58-63-102. Definitions.**

2594 In addition to the definitions in Section 58-1-102, as used in this chapter:

2595 (1) "Agreement for services" means a written and signed agreement between a security  
2596 service provider and a client that:

2597 (a) contains clear language that addresses and assigns financial responsibility;

2598 (b) describes the length, duties, and scope of the security services that will be provided;

2599 and

2600 (c) describes the compensation that will be paid by the client for the security services,  
2601 including the compensation for each security officer.

2602 (2) "Armed courier service" means a person engaged in business as a contract security  
2603 company who transports or offers to transport tangible personal property from one place or  
2604 point to another under the control of an armed security officer employed by that service.

2605 (3) "Armed private security officer" means an individual:

2606 (a) employed by a contract security company;

2607 (b) whose primary duty is:

2608 (i) guarding personal or real property; or

2609 (ii) providing protection or security to the life and well being of humans or animals;

2610 and

2611 (c) who wears, carries, possesses, or has immediate access to a firearm in the  
2612 performance of the individual's duties.

2613 (4) "Armored car company" means a person engaged in business under contract to  
2614 others who transports or offers to transport tangible personal property, currency, valuables,  
2615 jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that  
2616 require secured delivery from one place to another under the control of an armored car security  
2617 officer employed by the company using a specially equipped motor vehicle offering a high  
2618 degree of security.

2619 (5) "Armored car security officer" means an individual:

2620 (a) employed by an armored car company;

2621 (b) whose primary duty is to guard the tangible property, currency, valuables, jewelry,  
2622 SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured  
2623 delivery from one place to another; and

2624 (c) who wears, carries, possesses, or has immediate access to a firearm in the  
2625 performance of the individual's duties.

2626 (6) "Board" means the Security Services Licensing Board created in Section  
2627 58-63-201.

2628 (7) "Client" means a person, company, or entity that contracts for and receives security  
2629 services from a contract security company or an armored car company.

2630 (8) "Contract security company" means a company that ~~[is registered with the Division~~  
2631 ~~of Corporations and Commercial Code and]~~ is engaged in business to provide security services  
2632 to another person, business, or entity on a contractual basis by assignment of an armed or  
2633 unarmed private security officer.

2634 ~~[(9) "Corporate officer" means an individual who is on file with the Division of~~  
2635 ~~Corporations and Commercial Code as:]~~

2636 ~~[(a) a corporate officer of a contract security company or an armored car company that~~  
2637 ~~is a corporation; or]~~

2638 ~~[(b) a sole proprietor of a contract security company or an armored car company that is~~  
2639 ~~not a corporation.]~~

2640 ~~[(10)]~~ (9) "Company officer" means:

2641 (a) a governing person, as defined in Section [48-3a-102](#), of an armored car company or  
2642 contract security company;

2643 (b) an individual appointed as an officer of an armored car company or contract  
2644 security company that is a corporation in accordance with Section [16-10a-830](#);

2645 (c) a general partner, as defined in Section [48-2e-102](#), of an armored car company or  
2646 contract security company; or

2647 (d) a partner, as defined in Section [48-1d-102](#), of an armored car company or contract  
2648 security company.

2649 (10) "Company owner" means:

2650 (a) a shareholder, as defined in Section [16-10a-102](#), who owns directly, or indirectly  
2651 through an entity controlled by the individual, 5% or more of the outstanding shares of an  
2652 armored car company or contract security company that:

2653 (i) is a corporation; and

2654 (ii) is not publicly listed or traded; or

2655 (b) an individual who owns directly, or indirectly through an entity controlled by the  
2656 individual, 5% or more of the equity of an armored car company or contract security company  
2657 that is not a corporation.

2658 (11) "Company proprietor" means the sole proprietor of an armored car company or  
2659 contract security company that is registered as a sole proprietorship with the Division of  
2660 Corporations and Commercial Code.

2661 (12) "Company trustee" means an individual with control of or power of administration  
2662 over property held in trust.

2663 (13) "Financial responsibility," when referring to a contract security company, means  
2664 that a contract security company may only provide security services to a client if the contract  
2665 security company:

- 2666 (a) enters into an agreement for services with the client;
- 2667 (b) maintains a current general liability insurance policy with:
  - 2668 (i) at least an annual \$1,000,000 per occurrence limit;
  - 2669 (ii) at least an annual \$2,000,000 aggregate limit; and
  - 2670 (iii) the following riders:
    - 2671 (A) general liability;
    - 2672 (B) assault and battery;
    - 2673 (C) personal injury;
    - 2674 (D) false arrest;
    - 2675 (E) libel and slander;
    - 2676 (F) invasion of privacy;
    - 2677 (G) broad form property damage;
    - 2678 (H) damage to property in the care, custody, or control of the security service provider;

2679 and

- 2680 (I) errors and omissions;
- 2681 (c) maintains a workers' compensation insurance policy with at least a \$1,000,000 per  
2682 occurrence limit and that covers each security officer employed by the contract security  
2683 company; and
- 2684 (d) maintains a federal employer identification number and an unemployment  
2685 insurance employer account as required under state and federal law.

2686 ~~[(11)]~~ (14) "Identification card" means a personal pocket or wallet size card issued by  
2687 the division to each armored car and armed or unarmed private security officer licensed under  
2688 this chapter.

2689 ~~[(12)]~~ (15) "Law enforcement agency" means the same as that term is defined in  
2690 Section 53-1-102.

2691 ~~[(13)] "Owner" means an individual who is listed with the Division of Corporations and~~

2692 Commercial Code as a majority stockholder of a company, a general partner of a partnership,  
2693 or the proprietor of a sole proprietorship.]

2694 [(14)] (16) "Peace officer" means a person who:

2695 (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer  
2696 Classifications; and

2697 (b) derives total or special law enforcement powers from, and is an employee of, the  
2698 federal government, the state, or a political subdivision, agency, department, branch, or service  
2699 of either, of a municipality, or a unit of local government.

2700 [(15)] (17) "Regular basis" means at least 20 hours per month.

2701 [(16)] (18) "Responsible management personnel" means ~~[an individual who is~~  
2702 ~~responsible for managing an applicant's operations.]:~~

2703 (a) a qualifying agent;

2704 (b) an operations manager; or

2705 (c) a site manager.

2706 [(17)] (19) (a) "Security officer" means an individual who is licensed as an armed or  
2707 unarmed private security officer under this chapter and who:

2708 (i) is employed by a contract security company securing, guarding, or otherwise  
2709 protecting tangible personal property, real property, or the life and well being of human or  
2710 animal life against:

2711 (A) trespass or other unlawful intrusion or entry;

2712 (B) larceny;

2713 (C) vandalism or other abuse;

2714 (D) arson or other criminal activity; or

2715 (E) personal injury caused by another person or as a result of an act or omission by  
2716 another person;

2717 (ii) is controlling, regulating, or directing the flow of movements of an individual or  
2718 vehicle; or

2719 (iii) providing street patrol service.

2720 (b) "Security officer" does not include an individual whose duties include taking  
2721 admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other  
2722 materials of individuals who are entering a sports venue, concert venue, theatrical venue,



2723 convention center, fairgrounds, public assembly facility, or mass gathering location if:

2724 (i) the individual carries out these duties without the use of specialized equipment;

2725 (ii) the authority of the individual is limited to denying entry or passage of another  
2726 individual into or within the facility; and

2727 (iii) the individual is not authorized to use physical force in the performance of the  
2728 individual's duties under this Subsection [~~(17)(b).~~] (19)(b).

2729 [~~(18)~~] (20) "Security service provider" means a contract security company or an  
2730 armored car company licensed under this chapter.

2731 [~~(19)~~] (21) "Security system" means equipment, a device, or an instrument installed  
2732 for:

2733 (a) detecting and signaling entry or intrusion by an individual into or onto, or exit from  
2734 the premises protected by the system; or

2735 (b) signaling the commission of criminal activity at the election of an individual having  
2736 control of the features of the security system.

2737 [~~(20)~~] (22) "Specialized resource, motor vehicle, or equipment" means an item of  
2738 tangible personal property specifically designed for use in law enforcement or in providing  
2739 security or guard services, or that is specially equipped with a device or feature designed for  
2740 use in providing law enforcement, security, or guard services, but does not include:

2741 (a) standardized clothing, whether or not bearing a company name or logo, if the  
2742 clothing does not bear the words "security" or "guard"; or

2743 (b) an item of tangible personal property, other than a firearm or nonlethal weapon, that  
2744 may be used without modification in providing security or guard services.

2745 [~~(21)~~] (23) "Street patrol service" means a contract security company that provides  
2746 patrols by means of foot, vehicle, or other method of transportation using public streets,  
2747 thoroughfares, or property in the performance of the company's duties and responsibilities.

2748 [~~(22)~~] (24) "Unarmed private security officer" means an individual:

2749 (a) employed by a contract security company;

2750 (b) whose primary duty is guarding personal or real property or providing protection or  
2751 security to the life and well being of humans or animals;

2752 (c) who does not wear, carry, possess, or have immediate access to a firearm in the  
2753 performance of the individual's duties; and

2754 (d) who wears clothing of distinctive design or fashion bearing a symbol, badge,  
2755 emblem, insignia, or other device that identifies the individual as a security officer.

2756 [~~(23)~~] (25) "Unlawful conduct" means the same as that term is defined in Sections  
2757 58-1-501 and 58-63-501.

2758 [~~(24)~~] (26) "Unprofessional conduct" means the same as that term is defined in  
2759 Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

2760 Section 26. Section 58-63-302 is amended to read:

2761 **58-63-302. Qualifications for licensure.**

2762 (1) Each applicant for licensure as an armored car company or a contract security  
2763 company shall:

2764 (a) submit an application in a form prescribed by the division;

2765 (b) pay a fee determined by the department under Section 63J-1-504;

2766 (c) have a qualifying agent who:

2767 (i) [~~shall meet~~] meets with the division and the board and [~~demonstrate~~] demonstrates  
2768 that the applicant and the qualifying agent meet the requirements of this section;

2769 (ii) is a resident of the state [~~and~~];

2770 (iii) is responsible management personnel or [~~an~~] a company owner of the applicant;

2771 [~~(iii)~~] (iv) exercises material day-to-day authority in the conduct of the applicant's  
2772 business by making substantive technical and administrative decisions and whose primary  
2773 employment is with the applicant;

2774 [~~(iv)~~] (v) is not concurrently acting as a qualifying agent or employee of another  
2775 armored car company or contract security company and is not engaged in any other  
2776 employment on a regular basis;

2777 [~~(v)~~] (vi) is not involved in any activity [~~that~~] would conflict with the qualifying agent's  
2778 duties and responsibilities under this chapter to ensure that the qualifying agent's and the  
2779 applicant's performance under this chapter does not jeopardize the health or safety of the  
2780 general public;

2781 [~~(vi)~~] (vii) is not an employee of a government agency;

2782 [~~(vii)~~] (viii) passes an examination component established by rule by the division in  
2783 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative  
2784 Rulemaking Act; and

2785 ~~[(viii)]~~ (ix) (A) demonstrates 6,000 hours of compensated experience as a manager,  
2786 supervisor, or administrator of an armored car company or a contract security company; or

2787 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in  
2788 collaboration with the board with a federal, United States military, state, county, or municipal  
2789 law enforcement agency;

2790 (d) provide the name, address, date of birth, social security number, fingerprint card,  
2791 and consent to a criminal background check in accordance with Section 58-55-302.1 and  
2792 requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah  
2793 Administrative Rulemaking Act, for each company officer, company owner, company  
2794 proprietor, company trustee, and responsible management personnel with direct responsibility  
2795 for managing operations of the applicant within the state;

2796 ~~[(d) if a corporation, provide:]~~

2797 ~~[(i) the names, addresses, dates of birth, and social security numbers of all corporate~~  
2798 ~~officers, directors, and responsible management personnel; and]~~

2799 ~~[(ii) the names, addresses, dates of birth, and social security numbers, of all~~  
2800 ~~shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by~~  
2801 ~~the division if the stock is publicly listed and traded;]~~

2802 ~~[(e) if a limited liability company, provide:]~~

2803 ~~[(i) the names, addresses, dates of birth, and social security numbers of all company~~  
2804 ~~officers, and responsible management personnel; and]~~

2805 ~~[(ii) the names, addresses, dates of birth, and social security numbers of all individuals~~  
2806 ~~owning 5% or more of the equity of the company;]~~

2807 ~~[(f) if a partnership, provide the names, addresses, dates of birth, and social security~~  
2808 ~~numbers of all general partners, and responsible management personnel;]~~

2809 ~~[(g) if a proprietorship, provide the names, addresses, dates of birth, and social security~~  
2810 ~~numbers of the proprietor, and responsible management personnel;]~~

2811 ~~[(h) have good moral character in that officers, directors, shareholders described in~~  
2812 ~~Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have]~~

2813 (e) have company officers, company owners, company proprietors, company trustees,  
2814 and responsible management personnel who have not been convicted of:

2815 (i) a felony; or

2816 ~~[(ii) a misdemeanor involving moral turpitude; or]~~  
 2817 ~~[(iii)]~~ (ii) a crime that when considered with the duties and responsibilities of a contract  
 2818 security company or an armored car company by the division and the board indicates that the  
 2819 best interests of the public are not served by granting the applicant a license;  
 2820 [(i)] (f) document that none of the ~~[applicant's officers, directors, shareholders~~  
 2821 ~~described in Subsection (1)(d)(ii), partners, proprietors, and responsible management~~  
 2822 ~~personnel]~~ persons described in Subsection (1)(e):  
 2823 (i) have been declared by a court of competent jurisdiction incompetent by reason of  
 2824 mental defect or disease and not been restored; ~~[and]~~ or  
 2825 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;  
 2826 [(j)] (g) file and maintain with the division evidence of:  
 2827 (i) comprehensive general liability insurance in a form and in amounts established by  
 2828 rule by the division in collaboration with the board and in accordance with Title 63G, Chapter  
 2829 3, Utah Administrative Rulemaking Act;  
 2830 (ii) workers' compensation insurance that covers employees of the applicant in  
 2831 accordance with applicable Utah law;  
 2832 (iii) registration with the Division of Corporations and Commercial Code; and  
 2833 (iv) registration as required by applicable law with the:  
 2834 (A) Unemployment Insurance Division in the Department of Workforce Services, for  
 2835 purposes of Title 35A, Chapter 4, Employment Security Act;  
 2836 (B) State Tax Commission; and  
 2837 (C) Internal Revenue Service; and  
 2838 ~~[(k)]~~ (h) meet with the division and board if requested by the division or board.  
 2839 (2) Each applicant for licensure as an armed private security officer ~~[shall]:~~  
 2840 (a) shall submit an application in a form prescribed by the division;  
 2841 (b) shall pay a fee determined by the department under Section [63J-1-504](#);  
 2842 (c) ~~[have good moral character in that the applicant has not]~~ may not have been  
 2843 convicted of:  
 2844 (i) a felony; or  
 2845 ~~[(ii) a misdemeanor involving moral turpitude; or]~~  
 2846 ~~[(iii)]~~ (ii) a crime that when considered with the duties and responsibilities of an armed

2847 private security officer by the division and the board indicates that the best interests of the  
2848 public are not served by granting the applicant a license;

2849 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.  
2850 Sec. 922(g);

2851 (e) may not have been declared incompetent by a court of competent jurisdiction by  
2852 reason of mental defect or disease and not been restored;

2853 (f) may not be currently suffering from habitual drunkenness or from drug addiction or  
2854 dependence;

2855 (g) shall successfully complete basic education and training requirements established  
2856 by rule by the division in collaboration with the board and in accordance with Title 63G,  
2857 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight  
2858 hours of classroom or online curriculum;

2859 (h) shall successfully complete firearms training requirements established by rule by  
2860 the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
2861 Administrative Rulemaking Act, which shall include a minimum of 12 hours of training;

2862 (i) shall pass the examination requirement established by rule by the division in  
2863 collaboration with the board[;] and in accordance with Title 63G, Chapter 3, Utah  
2864 Administrative Rulemaking Act;

2865 (j) shall submit to and pass a background check in accordance with Section  
2866 58-55-302.1 and requirements established by division rule made in accordance with Title 63G,  
2867 Chapter 3, Utah Administrative Rulemaking Act; and

2868 [~~(j)~~] (k) shall meet with the division and board if requested by the division or the board.

2869 (3) Each applicant for licensure as an unarmed private security officer [~~shall~~]:

2870 (a) shall submit an application in a form prescribed by the division;

2871 (b) shall pay a fee determined by the department under Section 63J-1-504;

2872 (c) [~~have good moral character in that the applicant has not~~] may not have been  
2873 convicted of:

2874 (i) a felony; or

2875 [~~(ii) a misdemeanor involving moral turpitude; or~~]

2876 [~~(iii)~~] (ii) a crime that when considered with the duties and responsibilities of an

2877 unarmed private security officer by the division and the board indicates that the best interests of

2878 the public are not served by granting the applicant a license;

2879 (d) may not have been declared incompetent by a court of competent jurisdiction by  
2880 reason of mental defect or disease and not been restored;

2881 (e) may not be currently suffering from habitual drunkenness or from drug addiction or  
2882 dependence;

2883 (f) shall successfully complete basic education and training requirements established  
2884 by rule by the division in collaboration with the board and in accordance with Title 63G,  
2885 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight  
2886 hours of classroom or online curriculum;

2887 (g) shall pass the examination requirement established by rule by the division in  
2888 collaboration with the board[;] and in accordance with Title 63G, Chapter 3, Utah  
2889 Administrative Rulemaking Act;

2890 (h) shall submit to and pass a background check in accordance with Section  
2891 58-55-302.1 and requirements established by division rule made in accordance with Title 63G,  
2892 Chapter 3, Utah Administrative Rulemaking Act; and

2893 [~~(h)~~] (i) shall meet with the division and board if requested by the division or board.

2894 (4) Each applicant for licensure as an armored car security officer [~~shall~~]:

2895 (a) shall submit an application in a form prescribed by the division;

2896 (b) shall pay a fee determined by the department under Section 63J-1-504;

2897 (c) [~~have good moral character in that the applicant has not~~] may not have been  
2898 convicted of:

2899 (i) a felony; or

2900 [~~(ii) a misdemeanor involving moral turpitude; or~~]

2901 [~~(iii)~~] (ii) a crime that when considered with the duties and responsibilities of an  
2902 armored car security officer by the division and the board indicates that the best interests of the  
2903 public are not served by granting the applicant a license;

2904 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.  
2905 Sec. 922(g);

2906 (e) may not have been declared incompetent by a court of competent jurisdiction by  
2907 reason of mental defect or disease and not been restored;

2908 (f) may not be currently suffering from habitual drunkenness or from drug addiction or

2909 dependence;

2910 (g) shall successfully complete basic education and training requirements established  
2911 by rule by the division in collaboration with the board and in accordance with Title 63G,  
2912 Chapter 3, Utah Administrative Rulemaking Act;

2913 (h) shall successfully complete firearms training requirements established by rule by  
2914 the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
2915 Administrative Rulemaking Act;

2916 (i) shall pass the examination requirements established by rule by the division in  
2917 collaboration with the board[;] and in accordance with Title 63G, Chapter 3, Utah  
2918 Administrative Rulemaking Act;

2919 (j) shall submit to and pass a background check in accordance with Section  
2920 58-55-302.1 and requirements established by division rule made in accordance with Title 63G,  
2921 Chapter 3, Utah Administrative Rulemaking Act; and

2922 [~~(j)~~] (k) shall meet with the division and board if requested by the division or the board.

2923 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2924 division may make a rule establishing when the division shall request a Federal Bureau of  
2925 Investigation records' review for an applicant who is applying for licensure or licensure renewal  
2926 under this chapter.

2927 [~~(6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),~~  
2928 ~~(3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint~~  
2929 ~~cards to the Department of Public Safety with the division's request to:]~~

2930 [~~(a) conduct a search of records of the Department of Public Safety for criminal history~~  
2931 ~~information relating to each applicant for licensure under this chapter and each applicant's~~  
2932 ~~officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and~~  
2933 ~~responsible management personnel; and]~~

2934 [~~(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant~~  
2935 ~~requiring a check of records of the FBI for criminal history information under this section.]]~~

2936 [~~(7) The Department of Public Safety shall send the division:]~~

2937 [~~(a) a written record of criminal history, or certification of no criminal history record,~~  
2938 ~~as contained in the records of the Department of Public Safety in a timely manner after receipt~~  
2939 ~~of a fingerprint card from the division and a request for review of Department of Public Safety~~

2940 records; and]

2941 ~~[(b) the results of the FBI review concerning an applicant in a timely manner after~~  
2942 ~~receipt of information from the FBI.]~~

2943 ~~[(8) (a) The division shall charge each applicant a fee, in accordance with Section~~  
2944 ~~63J-1-504, equal to the cost of performing the records reviews under this section.]~~

2945 ~~[(b) The division shall pay the Department of Public Safety the costs of all records~~  
2946 ~~reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews~~  
2947 ~~under this chapter.]~~

2948 ~~[(9) The division shall use or disseminate the information it obtains from the reviews~~  
2949 ~~of criminal history records of the Department of Public Safety and the FBI only to determine if~~  
2950 ~~an applicant for licensure or licensure renewal under this chapter is qualified for licensure.]~~

2951 Section 27. Section **58-63-302.1** is enacted to read:

2952 **58-63-302.1. Criminal background check.**

2953 (1) An applicant for licensure under this chapter who requires a criminal background  
2954 check shall:

2955 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
2956 application is filed; and

2957 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
2958 Identification and the Federal Bureau of Investigation regarding the application.

2959 (2) The division shall:

2960 (a) in addition to other fees authorized by this chapter, collect from each applicant  
2961 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
2962 Identification is authorized to collect for the services provided under Section 53-10-108 and the  
2963 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
2964 obtaining federal criminal history record information;

2965 (b) submit from each applicant the fingerprint card and the fees described in  
2966 Subsection (2)(a) to the Bureau of Criminal Identification; and

2967 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
2968 Criminal Identification in accordance with Section 53-10-108 for each applicant.

2969 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
2970 Section 53-10-108:



2971 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
2972 and regional criminal records databases;

2973 (b) forward the fingerprints to the Federal Bureau of Investigation for a national  
2974 criminal history background check; and

2975 (c) provide the results from the state, regional, and nationwide criminal history  
2976 background checks to the division.

2977 (4) For purposes of conducting a criminal background check required under this  
2978 section, the division shall have direct access to criminal background information maintained  
2979 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

2980 (5) The division may not disseminate outside of the division any criminal history  
2981 record information that the division obtains from the Bureau of Criminal Identification or the  
2982 Federal Bureau of Investigation under the criminal background check requirements of this  
2983 section.

2984 (6) (a) A new license issued under Section 58-63-302 is conditional pending  
2985 completion of the criminal background check.

2986 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
2987 criminal background check required in Section 58-68-302 demonstrates the applicant or the  
2988 applicant's officer, director, shareholder, general partner, proprietor, trustee, or other  
2989 responsible management personnel has failed to accurately disclose a criminal history, the  
2990 license is immediately and automatically revoked upon notice to the licensee by the division.

2991 (c) A person whose conditional license has been revoked under Subsection (6)(b) is  
2992 entitled to a postrevocation hearing to challenge the revocation.

2993 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
2994 Chapter 4, Administrative Procedures Act.

2995 Section 28. Section **58-64-302** is amended to read:

2996 **58-64-302. Qualifications for licensure.**

2997 (1) Each applicant for licensure as a deception detection examiner:

2998 (a) shall submit an application in a form prescribed by the division;

2999 (b) shall pay a fee determined by the department under Section **63J-1-504**;

3000 (c) may not have been convicted of a felony~~], a misdemeanor involving moral~~  
3001 ~~turpitude,~~ or any other crime that when considered with the duties and responsibilities of a

3002 deception detection examiner is considered by the division to indicate that the best interests of  
3003 the public will not be served by granting the applicant a license;

3004 (d) may not have been declared by any court of competent jurisdiction incompetent by  
3005 reason of mental defect or disease and not been restored;

3006 (e) may not be currently suffering from habitual drunkenness or from drug addiction or  
3007 dependence;

3008 (f) shall have completed one of the following:

3009 (i) have earned a bachelor's degree from a four year university or college meeting  
3010 standards established by the division by rule made in accordance with Title 63G, Chapter 3,  
3011 Utah Administrative Rulemaking Act;

3012 (ii) have completed not less than 8,000 hours of investigation experience approved by  
3013 the division; or

3014 (iii) have completed a combination of university or college education and investigation  
3015 experience, as defined by rule made by the division in accordance with Title 63G, Chapter 3,  
3016 Utah Administrative Rulemaking Act, as being equivalent to the requirements under  
3017 Subsection (1)(f)(i) or (1)(f)(ii);

3018 (g) shall have successfully completed a training program in detection deception  
3019 meeting criteria established by rule made by the division~~;~~ and in accordance with Title 63G,  
3020 Chapter 3, Utah Administrative Rulemaking Act;

3021 (h) shall submit to and pass a background check in accordance with Section  
3022 58-64-302.1 and requirements established by division rule made in accordance with Title 63G,  
3023 Chapter 3, Utah Administrative Rulemaking Act; and

3024 ~~(h)~~ (i) shall have performed satisfactorily as a licensed deception detection intern for  
3025 a period of not less than one year and shall have satisfactorily conducted not less than 100  
3026 deception detection examinations under the supervision of a licensed deception detection  
3027 examiner.

3028 (2) Each applicant for licensure as a deception detection intern:

3029 (a) shall submit an application in a form prescribed by the division;

3030 (b) shall pay a fee determined by the department under Section 63J-1-504;

3031 (c) may not have been convicted of a felony~~;~~ ~~a misdemeanor involving moral~~  
3032 ~~turpitude,~~ or any other crime that when considered with the duties and responsibilities of a

3033 deception detection intern is considered by the division to indicate that the best interests of the  
3034 public will not be served by granting the applicant a license;

3035 (d) may not have been declared by any court of competent jurisdiction incompetent by  
3036 reason of mental defect or disease and not been restored;

3037 (e) may not be currently suffering from habitual drunkenness or from drug addiction or  
3038 dependence;

3039 (f) shall have completed one of the following:

3040 (i) have earned a bachelor's degree from a four year university or college meeting  
3041 standards established by the division by rule made in accordance with Title 63G, Chapter 3,  
3042 Utah Administrative Rulemaking Act;

3043 (ii) have completed not less than 8,000 hours of investigation experience approved by  
3044 the division; or

3045 (iii) have completed a combination of university or college education and investigation  
3046 experience, as defined by rule made by the division in accordance with Title 63G, Chapter 3,  
3047 Utah Administrative Rulemaking Act, as being equivalent to the requirements under  
3048 Subsection (2)(f)(i) or (2)(f)(ii);

3049 (g) shall have successfully completed a training program in deception detection  
3050 meeting criteria established by rule made by the division~~[; and]~~ in accordance with Title 63G,  
3051 Chapter 3, Utah Administrative Rulemaking Act;

3052 (h) shall submit to and pass a background check in accordance with Section  
3053 58-64-302.1 and requirements established by division rule made in accordance with Title 63G,  
3054 Chapter 3, Utah Administrative Rulemaking Act; and

3055 ~~[(h)]~~ (i) shall provide the division with an intern supervision agreement in a form  
3056 prescribed by the division under which:

3057 (i) a licensed deception detection examiner agrees to supervise the intern; and

3058 (ii) the applicant agrees to be supervised by that licensed deception detection examiner.

3059 (3) Each applicant for licensure as a deception detection examination administrator:

3060 (a) shall submit an application in a form prescribed by the division;

3061 (b) shall pay a fee determined by the department under Section 63J-1-504;

3062 (c) may not have been convicted of a felony~~[; a misdemeanor involving moral~~  
3063 ~~turpitude;]~~ or any other crime that when considered with the duties and responsibilities of a

3064 deception detection examination administrator is considered by the division to indicate that the  
3065 best interests of the public will not be served by granting the applicant a license;

3066 (d) may not have been declared by a court of competent jurisdiction incompetent by  
3067 reason of mental defect or disease and not been restored;

3068 (e) may not be currently suffering from habitual drunkenness or from drug addiction or  
3069 dependence;

3070 (f) shall have earned an associate degree from a state-accredited university or college or  
3071 have an equivalent number of years' work experience; ~~and~~]

3072 (g) shall submit to and pass a background check in accordance with Section  
3073 58-55-302.1 and requirements established by division rule made in accordance with Title 63G,  
3074 Chapter 3, Utah Administrative Rulemaking Act; and

3075 ~~[(g)]~~ (h) shall have successfully completed a training program and have obtained  
3076 certification in deception detection examination administration provided by the manufacturer  
3077 of a scientific or technology-based software application solution that is approved by the  
3078 director.

3079 ~~[(4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c),  
3080 or (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the  
3081 Department of Public Safety with the division's request to:]~~

3082 ~~[(a) conduct a search of records of the Department of Public Safety for criminal history  
3083 information relating to each applicant for licensure under this chapter; and]~~

3084 ~~[(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
3085 requiring a check of records of the F.B.I. for criminal history information under this section.]~~

3086 ~~[(5) The Department of Public Safety shall send to the division:]~~

3087 ~~[(a) a written record of criminal history, or certification of no criminal history record,  
3088 as contained in the records of the Department of Public Safety in a timely manner after receipt  
3089 of a fingerprint card from the division and a request for review of Department of Public Safety  
3090 records; and]~~

3091 ~~[(b) the results of the F.B.I. review concerning an applicant in a timely manner after  
3092 receipt of information from the F.B.I.]~~

3093 ~~[(6) (a) The division shall charge each applicant a fee, in accordance with Section  
3094 63J-1-504, equal to the cost of performing the records reviews under this section.]~~

3095 ~~[(b) The division shall pay the Department of Public Safety the costs of all records~~  
3096 ~~reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews~~  
3097 ~~under this chapter.]~~

3098 ~~[(7) Information obtained by the division from the reviews of criminal history records~~  
3099 ~~of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division~~  
3100 ~~only for the purpose of determining if an applicant for licensure under this chapter is qualified~~  
3101 ~~for licensure.]~~

3102 Section 29. Section ~~58-64-302.1~~ is enacted to read:

3103 **58-64-302.1. Criminal background check.**

3104 (1) An applicant for licensure under this chapter who requires a criminal background  
3105 check shall:

3106 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
3107 application is filed; and

3108 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
3109 Identification and the Federal Bureau of Investigation regarding the application.

3110 (2) The division shall:

3111 (a) in addition to other fees authorized by this chapter, collect from each applicant  
3112 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
3113 Identification is authorized to collect for the services provided under Section 53-10-108 and the  
3114 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
3115 obtaining federal criminal history record information;

3116 (b) submit from each applicant the fingerprint card and the fees described in  
3117 Subsection (2)(a) to the Bureau of Criminal Identification; and

3118 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
3119 Criminal Identification in accordance with Section 53-10-108 for each applicant.

3120 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
3121 Section 53-10-108:

3122 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
3123 and regional criminal records databases;

3124 (b) forward the fingerprints to the Federal Bureau of Investigation for a national  
3125 criminal history background check; and

3126 (c) provide the results from the state, regional, and nationwide criminal history  
3127 background checks to the division.

3128 (4) For purposes of conducting a criminal background check required under this  
3129 section, the division shall have direct access to criminal background information maintained  
3130 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

3131 (5) The division may not disseminate outside of the division any criminal history  
3132 record information that the division obtains from the Bureau of Criminal Identification or the  
3133 Federal Bureau of Investigation under the criminal background check requirements of this  
3134 section.

3135 (6) (a) A new license issued under Section [58-64-302](#) is conditional pending  
3136 completion of the criminal background check.

3137 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
3138 criminal background check required in Section [58-64-302](#) demonstrates the applicant or the  
3139 applicant's officer, director, shareholder, general partner, proprietor, trustee, or other  
3140 responsible management personnel has failed to accurately disclose a criminal history, the  
3141 license is immediately and automatically revoked upon notice to the licensee by the division.

3142 (c) A person whose conditional license has been revoked under Subsection (6)(b) is  
3143 entitled to a postrevocation hearing to challenge the revocation.

3144 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
3145 Chapter 4, Administrative Procedures Act.