

Senator Wayne A. Harper proposes the following substitute bill:

BOARDS AND COMMISSIONS MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill repeals and amends provisions related to certain boards and commissions.

Highlighted Provisions:

This bill:

▶ repeals the following entities and amends provisions related to the following entities:

- the Residential Child Care Licensing Advisory Committee;
 - the Dietitian Board;
 - the Genetic Counselors Licensing Board;
 - the Online Prescribing, Dispensing, and Facilitation Licensing Board;
 - the Licensed Direct Entry Midwife Board;
 - the Naturopathic Physicians Licensing Board;
 - the Utah Health Advisory Council;
 - the Transparency Advisory Board; and
 - the Western States Transportation Alliance;
- ▶ modifies provisions related to the Motor Carrier Advisory Board;
- ▶ modifies provisions related to the Geographic Names Board;
- ▶ renames and modifies provisions related to the Child Care Center Licensing



26 Committee; and

27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **9-9-113**, as enacted by Laws of Utah 2021, Chapter 189

35 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255

36 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255

37 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255

38 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74

39 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255

40 **58-49-2**, as last amended by Laws of Utah 1993, Chapter 297

41 **58-49-4**, as last amended by Laws of Utah 2020, Chapter 339

42 **58-49-6**, as enacted by Laws of Utah 1986, Chapter 192

43 **58-71-102**, as last amended by Laws of Utah 2022, Chapter 440

44 **58-71-203**, as enacted by Laws of Utah 2022, Chapter 440

45 **58-71-302**, as last amended by Laws of Utah 2020, Chapter 339

46 **58-71-304**, as last amended by Laws of Utah 2001, Chapter 268

47 **58-71-304.2**, as enacted by Laws of Utah 1996, Chapter 282

48 **58-71-601**, as last amended by Laws of Utah 2013, Chapter 364

49 **58-71-802**, as enacted by Laws of Utah 1996, Chapter 282

50 **58-71-803**, as enacted by Laws of Utah 1996, Chapter 282

51 **58-75-102**, as last amended by Laws of Utah 2008, Chapter 382

52 **58-75-303**, as enacted by Laws of Utah 2001, Chapter 100

53 **58-77-102**, as last amended by Laws of Utah 2017, Chapter 114

54 **58-77-302**, as last amended by Laws of Utah 2020, Chapter 339

55 **58-83-102**, as last amended by Laws of Utah 2022, Chapter 415

56 **58-83-302**, as last amended by Laws of Utah 2022, Chapter 415

57 **58-83-401**, as last amended by Laws of Utah 2022, Chapter 415
 58 **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84
 59 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
 60 347, and 451
 61 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
 62 249, 274, 296, 313, 361, 362, 417, 419, and 472
 63 **63I-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365
 64 **67-1-2.5**, as last amended by Laws of Utah 2021, Chapters 84, 345
 65 **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96

66 REPEALS:

67 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
 68 **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255
 69 **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202
 70 **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202
 71 **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192
 72 **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297
 73 **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10
 74 **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100
 75 **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100
 76 **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
 77 **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
 78 **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
 79 **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
 80 **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84
 81 **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84



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

84 Section 1. Section **9-9-113** is amended to read:

85 **9-9-113. Geographic place names -- Role of division -- Report.**

86 (1) As used in this section[~~;~~], "location name referring to American Indians" means the
 87 name of a place in the state that uses American Indian related terms.

88 ~~[(a) "Location name referring to American Indians" means the name of a place in the~~
89 ~~state that uses American Indian related terms.]~~

90 ~~[(b) "Utah Committee on Geographic Names" means the committee created by~~
91 ~~executive order of the governor that has a primary function to act as the state's liaison with the~~
92 ~~United States Board on Geographic Names and to review geographic name changes and~~
93 ~~additions in Utah.]~~

94 (2) (a) To facilitate the United States Board on Geographic Names' application process
95 for changing a location name referring to American Indians, the division may create an
96 application template~~[, in consultation with the Utah Committee on Geographic Names,]~~ for the
97 following to use:

98 (i) a county in which a place with a location name referring to American Indians is
99 located;

100 (ii) an Indian tribe that is connected to the geographic location referring to American
101 Indians for which the Indian tribe seeks to change the name;

102 (iii) a local community in and around a place with a location name referring to
103 American Indians; or

104 (iv) another person identified by the division ~~[in consultation with the Utah Committee~~
105 ~~on Geographic Names].~~

106 (b) The application template described in Subsection (2)(a) shall encourage an
107 applicant to solicit feedback from the one or more tribal governments that are connected to the
108 geographic location for which the applicant is proposing to change the location name referring
109 to American Indians.

110 (c) If the division assists a person applying to change the location name referring to
111 American Indians, the division shall direct the person to consult with any tribal government
112 that is connected to the geographic location for which the location name referring to American
113 Indians is proposed to be changed so that a tribal government has an opportunity to provide an
114 official response.

115 (d) The division may bring proposed name changes to location names referring to
116 American Indians to tribal leaders to solicit input from the Indian tribes.

117 (3) The division shall provide on the division's website resources for applicants and
118 information about proposed changes to location names referring to American Indians.

119 (4) In accordance with Section 9-9-107, the division shall annually report to the Native
120 American Legislative Liaison Committee on the division's activities under this section.

121 Section 2. Section 26-1-2 is amended to read:

122 **26-1-2. Definitions.**

123 As used in this title:

124 [~~(1)~~] "~~Council~~" means the ~~Utah Health Advisory Council~~.]

125 [~~(2)~~] (1) "Department" means the Department of Health and Human Services created in
126 Section 26B-1-201.

127 [~~(3)~~] (2) "Executive director" means the executive director of the department appointed
128 under Section 26B-1-203.

129 [~~(4)~~] (3) "Public health authority" means an agency or authority of the United States, a
130 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting
131 under a grant of authority from or contract with such an agency, that is responsible for public
132 health matters as part of its official mandate.

133 Section 3. Section 26-39-102 is amended to read:

134 **26-39-102. Definitions.**

135 As used in this chapter:

136 [~~(1)~~] "~~Advisory committee~~" means the ~~Residential Child Care Licensing Advisory~~
137 ~~Committee created in Section 26B-1-204~~.]

138 [~~(2)~~] (1) "Capacity limit" means the maximum number of qualifying children that a
139 regulated provider may care for at any given time, in accordance with rules made by the
140 department.

141 [~~(3)~~] (2) (a) "Center based child care" means child care provided in a facility or
142 program that is not the home of the provider.

143 (b) "Center based child care" does not include:

144 (i) residential child care; or

145 (ii) care provided in a facility or program exempt under Section 26-39-403.

146 [~~(4)~~] (3) "Certified provider" means a person who holds a certificate from the
147 department under Section 26-39-402.

148 [~~(5)~~] (4) "Child care" means continuous care and supervision of a qualifying child, that
149 is:

150 (a) in lieu of care ordinarily provided by a parent in the parent's home;

151 (b) for less than 24 hours a day; and

152 (c) for direct or indirect compensation.

153 ~~[(6)]~~ (5) "Child care program" means a child care facility or program operated by a
154 regulated provider.

155 ~~[(7)]~~ (6) "Exempt provider" means a person who provides care described in Subsection
156 26-39-403(2).

157 ~~[(8)]~~ (7) "Licensed provider" means a person who holds a license from the department
158 under Section 26-39-401.

159 ~~[(9)]~~ (8) "Licensing committee" means the Child Care ~~[Center]~~ Provider Licensing
160 Committee created in Section 26B-1-204.

161 ~~[(10)]~~ (9) "Public school" means:

162 (a) a school, including a charter school, that:

163 (i) is directly funded at public expense; and

164 (ii) provides education to qualifying children for any grade from first grade through
165 twelfth grade; or

166 (b) a school, including a charter school, that provides:

167 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool
168 or kindergarten is funded at public expense; and

169 (ii) education to qualifying children for any grade from first grade through twelfth
170 grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly
171 funded at public expense.

172 ~~[(11)]~~ (10) "Qualifying child" means an individual who is:

173 (a) (i) under the age of 13 years old; or

174 (ii) under the age of 18 years old, if the person has a disability; and

175 (b) a child of:

176 (i) a person other than the person providing care to the child;

177 (ii) a regulated provider, if the child is under the age of four; or

178 (iii) an employee or owner of a licensed child care center, if the child is under the age
179 of four.

180 ~~[(12)]~~ (11) "Regulated provider" means a licensed provider or certified provider.

181 ~~[(13)]~~ (12) "Residential child care" means child care provided in the home of the
 182 provider.

183 Section 4. Section **26-39-200** is amended to read:

184 **26-39-200. Child Care Provider Licensing Committee.**

185 (1) (a) The licensing committee shall be comprised of ~~[seven]~~ 12 members appointed
 186 by the governor and approved by the Senate in accordance with this subsection.

187 (b) The governor shall appoint three members who:

188 (i) have at least five years of experience as an owner in or director of a for profit or
 189 not-for-profit center based child care; and

190 (ii) hold an active license as a child care center from the department to provide center
 191 based child care.

192 (c) The governor shall appoint two members who hold an active license as a residential
 193 child care provider and one member who is a certified residential child care provider.

194 ~~[(e)]~~ (d) (i) The governor shall appoint one member to represent each of the following:

195 (A) a parent with a child in a licensed center based child care facility;

196 (B) a parent with a child in a residential based child care facility;

197 ~~[(B)]~~ (C) a child development expert from the state system of higher education;

198 ~~[(C)]~~ (D) except as provided in Subsection ~~[(1)(e)]~~ (1)(f), a pediatrician licensed in the
 199 state; ~~[and]~~

200 (E) a health care provider; and

201 ~~[(D)]~~ (F) an architect licensed in the state.

202 (ii) Except as provided in Subsection ~~[(1)(c)(i)(B)]~~ (1)(d)(i)(C), a member appointed
 203 under Subsection ~~[(1)(c)(i)]~~ (1)(d)(i) may not be an employee of the state or a political
 204 subdivision of the state.

205 ~~[(d)]~~ (e) At least one member described in Subsection (1)(b) shall at the time of
 206 appointment reside in a county that is not a county of the first class.

207 ~~[(e)]~~ (f) For the appointment described in Subsection ~~[(1)(c)(i)(C)]~~ (1)(d)(i)(D), the
 208 governor may appoint a health care professional who specializes in pediatric health if:

209 (i) the health care professional is licensed under:

210 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
 211 practitioner; or

212 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and
213 (ii) before appointing a health care professional under this Subsection ~~[(1)(e)]~~ (1)(f),
214 the governor:

215 (A) sends a notice to a professional physician organization in the state regarding the
216 opening for the appointment described in Subsection ~~[(1)(e)(i)(C)]~~ (1)(d)(i)(D); and

217 (B) receives no applications from a pediatrician who is licensed in the state for the
218 appointment described in Subsection ~~[(1)(e)(i)(C)]~~ (1)(d)(i)(D) within 90 days after the day on
219 which the governor sends the notice described in Subsection ~~[(1)(e)(ii)(A)]~~ (1)(f)(ii)(A).

220 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
221 governor shall appoint each new member or reappointed member to a four-year term ending
222 June 30.

223 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
224 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
225 members are staggered so that approximately half of the licensing committee is appointed
226 every two years.

227 (c) Upon the expiration of the term of a member of the licensing committee, the
228 member shall continue to hold office until a successor is appointed and qualified.

229 (d) A member may not serve more than two consecutive terms.

230 (e) Members of the licensing committee shall annually select one member to serve as
231 chair who shall establish the agenda for licensing committee meetings.

232 (3) When a vacancy occurs in the membership for any reason, the governor, with the
233 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

234 (4) (a) The licensing committee shall meet at least every two months.

235 (b) The director may call additional meetings:

236 (i) at the director's discretion;

237 (ii) upon the request of the chair; or

238 (iii) upon the written request of three or more members.

239 (5) ~~Three~~ Seven members of the licensing committee constitute a quorum for the
240 transaction of business.

241 (6) A member appointed under Subsection (1)(b) may not vote on any action proposed
242 by the licensing committee regarding residential child care.

243 (7) A member appointed under Subsection (1)(c) may not vote on any action proposed
244 by the licensing committee regarding center based child care.

245 [~~6~~] (8) A member of the licensing committee may not receive compensation or
246 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

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

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

249 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
250 63A-3-107.

251 Section 5. Section 26-39-203 is amended to read:

252 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

253 (1) The licensing committee shall:

254 (a) in concurrence with the department and in accordance with Title 63G, Chapter 3,
255 Utah Administrative Rulemaking Act, make rules that govern center based child care and
256 residential child care as necessary to protect qualifying children's common needs for a safe and
257 healthy environment, to provide for:

258 (i) adequate facilities and equipment; and

259 (ii) competent caregivers considering the age of the children and the type of program
260 offered by the licensee;

261 (b) in concurrence with the department and in accordance with Title 63G, Chapter 3,
262 Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of this
263 chapter that govern center based child care and residential child care, in the following areas:

264 (i) requirements for applications, the application process, and compliance with other
265 applicable statutes and rules;

266 (ii) documentation and policies and procedures that providers shall have in place in
267 order to be licensed, in accordance with Subsection (1);

268 (iii) categories, classifications, and duration of initial and ongoing licenses;

269 (iv) changes of ownership or name, changes in licensure status, and changes in
270 operational status;

271 (v) license expiration and renewal, contents, and posting requirements;

272 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
273 procedural measures to encourage and assure compliance with statute and rule; and

274 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
275 and discipline of licensees;

276 (c) advise the department on the administration of a matter affecting center based child
277 care and residential child care;

278 (d) advise and assist the department in conducting center based child care provider
279 seminars and residential child care seminars; and

280 (e) perform other duties as provided under Section 26-39-301.

281 (2) (a) The licensing committee may not enforce the rules adopted under this section.

282 (b) The department shall enforce the rules adopted under this section in accordance
283 with Section 26-39-301.

284 Section 6. Section 26B-1-204 is amended to read:

285 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
286 **department.**

287 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
288 Utah Administrative Rulemaking Act, and not inconsistent with law for:

289 (a) the administration and government of the department;

290 (b) the conduct of the department's employees; and

291 (c) the custody, use, and preservation of the records, papers, books, documents, and
292 property of the department.

293 (2) The following policymaking boards, councils, and committees are created within
294 the Department of Health and Human Services:

295 (a) Board of Aging and Adult Services;

296 (b) Utah State Developmental Center Board;

297 [~~(c) Health Advisory Council;~~]

298 [~~(d)~~] (c) Health Facility Committee;

299 [~~(e)~~] (d) State Emergency Medical Services Committee;

300 [~~(f)~~] (e) Air Ambulance Committee;

301 [~~(g)~~] (f) Health Data Committee;

302 [~~(h)~~] (g) Utah Health Care Workforce Financial Assistance Program Advisory
303 Committee;

304 [~~(i) Residential Child Care Licensing Advisory Committee;~~]

- 305 [~~(f)~~] (h) Child Care [~~Center~~] Provider Licensing Committee;
- 306 [~~(k)~~] (i) Primary Care Grant Committee;
- 307 [~~(t)~~] (j) Adult Autism Treatment Program Advisory Committee;
- 308 [~~(m)~~] (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
- 309 Committee; and
- 310 [~~(n)~~] (l) any boards, councils, or committees that are created by statute in:
- 311 (i) this title;
- 312 (ii) Title 26, Utah Health Code; or
- 313 (iii) Title 62A, Utah Human Services Code.
- 314 (3) The following divisions are created within the Department of Health and Human
- 315 Services:
- 316 (a) relating to operations:
- 317 (i) the Division of Finance and Administration;
- 318 (ii) the Division of Licensing and Background Checks;
- 319 (iii) the Division of Customer Experience;
- 320 (iv) the Division of Data, Systems, and Evaluation; and
- 321 (v) the Division of Continuous Quality Improvement;
- 322 (b) relating to healthcare administration:
- 323 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 324 (A) the state's medical assistance programs; and
- 325 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 326 and Mental Health Act;
- 327 (ii) the Division of Aging and Adult Services; and
- 328 (iii) the Division of Services for People with Disabilities; and
- 329 (c) relating to community health and well-being:
- 330 (i) the Division of Child and Family Services;
- 331 (ii) the Division of Family Health;
- 332 (iii) the Division of Population Health;
- 333 (iv) the Division of Juvenile Justice and Youth Services; and
- 334 (v) the Office of Recovery Services.
- 335 (4) The executive director may establish offices and bureaus to facilitate management

336 of the department as required by, and in accordance with:

- 337 (a) this title;
- 338 (b) Title 26, Utah Health Code; and
- 339 (c) Title 62A, Utah Human Services Code.

340 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
341 organizational structure relating to the department, including the organization of the
342 department's divisions and offices, notwithstanding the organizational structure described in:

- 343 (a) this title;
- 344 (b) Title 26, Utah Health Code; or
- 345 (c) Title 62A, Utah Human Services Code.

346 Section 7. Section **58-49-2** is amended to read:

347 **58-49-2. Definitions.**

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

349 [~~1~~] "~~Board~~" means the ~~Dietitian Board~~ created in Section [58-49-3](#).]

350 [~~2~~] (1) "Certified dietitian" means a person who is certified by the division as meeting
351 the certification requirements provided in this chapter.

352 [~~3~~] (2) "Commission on Dietetic Registration" means the credentialing component of
353 the American Dietetic Association.

354 [~~4~~] (3) "Dietetics" means the integration and application of principles derived from
355 the sciences of food for the development, management, and provision of dietary services for
356 individuals and groups for meeting their health care needs. "Dietetics" includes:

- 357 (a) the evaluation of a person's dietary status;
- 358 (b) the advising and education of persons on dietary needs; and
- 359 (c) the evaluation of needs, implementation of systems to support needs, and
360 maintenance of appropriate standards of quality in food and dietary service for individuals,
361 groups, or patients in licensed institutional facilities or in private office settings.

362 [~~5~~] (4) "Unprofessional conduct" as defined in Section [58-1-501](#) and as may be
363 further defined by rule includes failing to maintain a level of professional practice consistent
364 with all initial and subsequent requirements by which certification is achieved or maintained
365 under this chapter.

366 Section 8. Section **58-49-4** is amended to read:

367 **58-49-4. Qualifications for certification -- Fee.**

368 Each applicant for certification under this chapter shall provide proof satisfactory to the
369 division that the applicant:

370 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
371 university approved by the division at the time the degree was conferred with a major course of
372 study in the sciences of food, dietetics, food systems management, or an equivalent major
373 course of study;

374 (2) has completed an internship or preplanned professional baccalaureate or
375 post-baccalaureate experience in a dietetic program under the supervision of a certified
376 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
377 another state or territory of the United States;

378 (3) has satisfactorily passed a competency examination, approved by or given at the
379 direction of the [~~board in collaboration with the~~] division; and

380 (4) has paid the appropriate fees determined by the Department of Commerce. The fee
381 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost
382 of services provided.

383 Section 9. Section **58-49-6** is amended to read:

384 **58-49-6. Certification of persons qualified in other jurisdictions.**

385 Upon receipt of an application and application fee[~~, and upon the recommendation of~~
386 ~~the board,~~] the division may waive the examination requirement for an applicant who, at the
387 time of application:

388 (1) holds a valid dietitian license or certificate issued by another state or territory of the
389 United States, provided his qualifications meet the requirements of this chapter; or

390 (2) is registered by the Commission on Dietetic Registration.

391 Section 10. Section **58-71-102** is amended to read:

392 **58-71-102. Definitions.**

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

394 (1) "Acupuncture" means the same as that term is defined in Section **58-72-102**.

395 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
396 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
397 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative

398 Procedures Act.

399 ~~[(3)]~~ "Board" means the Naturopathic Physicians Licensing Board created in Section
400 ~~58-71-201.~~

401 ~~[(4)]~~ (3) "Controlled substance" means the same as that term is defined in Section
402 ~~58-37-2.~~

403 ~~[(5)]~~ (4) "Diagnose" means:

404 (a) to examine in any manner another individual, parts of an individual's body,
405 substances, fluids, or materials excreted, taken, or removed from an individual's body, or
406 produced by an individual's body, to determine the source, nature, kind, or extent of a disease
407 or other physical or mental condition;

408 (b) to attempt to conduct an examination or determination described under Subsection
409 ~~[(5)(a)]~~ (4)(a);

410 (c) to hold oneself out as making or to represent that one is making an examination or
411 determination as described in Subsection ~~[(5)(a)]~~ (4)(a); or

412 (d) to make an examination or determination as described in Subsection ~~[(5)(a)]~~ (4)(a)
413 upon or from information supplied directly or indirectly by another individual, whether or not
414 in the presence of the individual the examination or determination concerns.

415 ~~[(6)]~~ (5) "Local anesthesia" means an agent, whether a natural medicine or
416 nonscheduled prescription drug, which:

417 (a) is applied topically or by injection associated with the performance of minor office
418 procedures;

419 (b) has the ability to produce loss of sensation to a targeted area of an individual's
420 body;

421 (c) does not cause loss of consciousness or produce general sedation; and

422 (d) is part of the competent practice of naturopathic medicine during minor office
423 procedures.

424 ~~[(7)]~~ (6) "Medical naturopathic assistant" means an unlicensed individual working
425 under the direct and immediate supervision of a licensed naturopathic physician and engaged in
426 specific tasks assigned by the licensed naturopathic physician in accordance with the standards
427 and ethics of the profession.

428 ~~[(8)]~~ (7) (a) "Minor office procedures" means:

- 429 (i) the use of operative, electrical, or other methods for repair and care of superficial
430 lacerations, abrasions, and benign lesions;
- 431 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
432 ear;
- 433 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical
434 procedures; and
- 435 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
- 436 (A) local anesthesia or a prescription drug described in Subsection [~~(9)(d)~~] (8)(d); or
437 (B) natural substances.
- 438 (b) "Minor office procedures" does not include:
- 439 (i) general or spinal anesthesia;
- 440 (ii) office procedures more complicated or extensive than those set forth in Subsection
441 [~~(8)(a)~~] (7)(a);
- 442 (iii) procedures involving the eye; and
443 (iv) any office procedure involving nerves, veins, or arteries.
- 444 [~~(9)~~] (8) "Natural medicine" means any:
- 445 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
446 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not
447 designated a prescription drug or controlled substance;
- 448 (b) over-the-counter medication;
- 449 (c) other nonprescription substance, the prescription or administration of which is not
450 otherwise prohibited or restricted under federal or state law; or
- 451 (d) prescription drug:
- 452 (i) the prescription of which is consistent with the competent practice of naturopathic
453 medicine;
- 454 (ii) that is not a controlled substance except for testosterone; and
455 (iii) that is not any of the following as determined by the federal Food and Drug
456 Administration's general drug category list:
- 457 (A) an anticoagulant for the management of a bleeding disorder;
- 458 (B) an anticonvulsant;
- 459 (C) an antineoplastic;

- 460 (D) an antipsychotic;
- 461 (E) a barbiturate;
- 462 (F) a cytotoxic;
- 463 (G) a sedative;
- 464 (H) a sleeping drug;
- 465 (I) a tranquilizer; or
- 466 (J) any drug category added after April 1, 2022, unless the division determines the drug
- 467 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).

468 ~~[(10)]~~ (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted
469 by a naturopathic physician.

470 (b) "Naturopathic childbirth" includes the use of:

- 471 (i) natural medicines; and
- 472 (ii) uncomplicated episiotomy.

473 (c) "Naturopathic childbirth" does not include the use of:

- 474 (i) forceps delivery;
- 475 (ii) general or spinal anesthesia;
- 476 (iii) caesarean section delivery; or
- 477 (iv) induced labor or abortion.

478 ~~[(11)]~~ (10) (a) "Naturopathic mobilization therapy" means manually administering
479 mechanical treatment of body structures or tissues for the purpose of restoring normal
480 physiological function to the body by normalizing and balancing the musculoskeletal system of
481 the body;

482 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of
483 the joints of the human body beyond the elastic barrier; and

484 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title
485 58, Chapter 73, Chiropractic Physician Practice Act.

486 ~~[(12)]~~ (11) (a) "Naturopathic physical medicine" means the use of the physical agents
487 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the
488 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,
489 hydrotherapy, naturopathic mobilization therapy, and exercise.

490 (b) "Naturopathic physical medicine" does not include the practice of physical therapy

491 or physical rehabilitation.

492 ~~[(13)]~~ (12) "Practice of naturopathic medicine" means:

493 (a) a system of primary health care for the prevention, diagnosis, and treatment of
494 human health conditions, injuries, and diseases that uses education, natural medicines, and
495 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

496 (i) using naturopathic childbirth, but only if:

497 (A) the licensee meets standards of the American College of Naturopathic
498 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration
499 with the board; and

500 (B) the licensee follows a written plan for naturopathic physicians practicing
501 naturopathic childbirth approved by the division in collaboration with the board, which
502 includes entering into an agreement with a consulting physician and surgeon or osteopathic
503 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and
504 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic
505 physician will:

506 (I) refer patients to the consulting physician; and

507 (II) consult with the consulting physician;

508 (ii) using naturopathic mobilization therapy;

509 (iii) using naturopathic physical medicine;

510 (iv) using minor office procedures;

511 (v) prescribing or administering natural medicine;

512 (vi) prescribing medical equipment and devices, diagnosing by the use of medical
513 equipment and devices, and administering therapy or treatment by the use of medical devices
514 necessary and consistent with the competent practice of naturopathic medicine;

515 (vii) prescribing barrier devices for contraception;

516 (viii) using dietary therapy;

517 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
518 physiological function tests;

519 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in
520 diagnosis;

521 (xi) taking of a history from and conducting of a physical examination upon a human

522 patient; and

523 (xii) administering local anesthesia during the performance of a minor office
524 procedure;

525 (b) to maintain an office or place of business for the purpose of doing any of the acts
526 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or

527 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
528 treatment of human diseases or conditions, in any printed material, stationery, letterhead,
529 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic
530 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"
531 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"
532 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that
533 might cause a reasonable person to believe the individual using the designation is a licensed
534 naturopathic physician.

535 [~~(14)~~] (13) "Prescribe" means to issue a prescription:

536 (a) orally or in writing; or

537 (b) by telephone, facsimile transmission, computer, or other electronic means of
538 communication as defined by division rule.

539 [~~(15)~~] (14) "Prescription device" means an instrument, apparatus, implement, machine,
540 contrivance, implant, in vitro reagent, or other similar or related article, and any component
541 part or accessory, which is required under federal or state law to be prescribed by a practitioner
542 and dispensed by or through a person licensed under this chapter or exempt from licensure
543 under this chapter.

544 [~~(16)~~] (15) "Prescription drug" means a drug that is required by federal or state law or
545 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

546 [~~(17)~~] (16) "Unlawful conduct" means the same as that term is defined in Sections
547 58-1-501 and 58-71-501.

548 [~~(18)~~] (17) "Unprofessional conduct" means the same as that term is defined in
549 Sections 58-1-501 and 58-71-502, and as may be further defined by division rule.

550 Section 11. Section 58-71-203 is amended to read:

551 **58-71-203. Drug category review.**

552 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

553 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug
554 category list, the division shall determine whether the drug category is consistent with the
555 practice of naturopathic medicine.

556 (3) To make the determination described in Subsection (2), the division shall consult
557 with~~[:]~~ the board described in Section [58-67-201](#).

558 ~~[(a) the board; and]~~

559 ~~[(b) the board described in Section [58-67-201](#).]~~

560 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
561 division shall make rules to implement this section.

562 Section 12. Section **58-71-302** is amended to read:

563 **58-71-302. Qualifications for licensure.**

564 (1) An applicant for licensure as a naturopathic physician, except as set forth in
565 Subsection (2), shall:

566 (a) submit an application in a form prescribed by the division, which may include:

567 (i) submissions by the applicant of information maintained by practitioner data banks,
568 as designated by division rule, with respect to the applicant; and

569 (ii) a record of professional liability claims made against the applicant and settlements
570 paid by or in behalf of the applicant;

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

572 (c) provide satisfactory documentation of having successfully completed a program of
573 professional education preparing an individual as a naturopathic physician, as evidenced by
574 having received an earned degree of doctor of naturopathic medicine from:

575 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
576 Medical Education or its successor organization approved by the division;

577 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
578 Council of Naturopathic Medical Education or its successor organization, and is approved by
579 the division ~~[in collaboration with the board]~~, upon a finding there is reasonable expectation
580 the school or college will be accredited; or

581 (iii) a naturopathic medical school or college which, at the time of the applicant's
582 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
583 Education or its successor organization approved by the division;

584 (d) provide satisfactory documentation of having successfully completed, after
585 successful completion of the education requirements set forth in Subsection (1)(c), 12 months
586 of clinical experience in naturopathic medicine in a residency program recognized by the
587 division and associated with an accredited school or college of naturopathic medicine, and
588 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
589 osteopathic physician;

590 (e) pass the licensing examination sequence required by division rule [~~established in~~
591 ~~collaboration with the board~~];

592 (f) be able to read, write, speak, understand, and be understood in the English language
593 and demonstrate proficiency to the satisfaction of the [~~board~~] division if requested by the
594 [~~board~~] division; and

595 (g) meet with [~~the board and~~] representatives of the division, if requested, for the
596 purpose of evaluating the applicant's qualifications for licensure.

597 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
598 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

599 (i) meet the requirements of Section 58-1-302;

600 (ii) document having met all requirements for licensure under Subsection (1) except
601 the clinical experience requirement of Subsection (1)(d);

602 (iii) have passed the examination requirements established under Subsection (1)(e)
603 that:

604 (A) the applicant has not passed in connection with licensure in another state or
605 jurisdiction; and

606 (B) are available to the applicant to take without requiring additional professional
607 education;

608 (iv) have been actively engaged in the practice of a naturopathic physician for not less
609 than 6,000 hours during the five years immediately preceding the date of application for
610 licensure in Utah; and

611 (v) meet with [~~the board and~~] representatives of the division for the purpose of
612 evaluating the applicant's qualifications for licensure.

613 (b) The division may rely, either wholly or in part, on one or more credentialing
614 associations designated by division rule[~~, made in collaboration with the board,~~] to document

615 and certify in writing to the satisfaction of the division that an applicant has met each of the
616 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

617 (i) the applicant holds a current license;
618 (ii) the education, experience, and examination requirements of the foreign country or
619 the state, district, or territory of the United States that issued the applicant's license are, or were
620 at the time the license was issued, equal to those of this state for licensure as a naturopathic
621 physician; and

622 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
623 qualifications, identity, and good standing as a naturopathic physician.

624 Section 13. Section 58-71-304 is amended to read:

625 **58-71-304. License renewal requirements.**

626 (1) As a condition precedent for license renewal, each licensee shall, during each
627 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
628 professional education requirements in accordance with the number of hours and standards
629 defined by division rule [~~made in collaboration with the board~~].

630 (2) If a renewal period is extended or shortened under Section 58-71-303, the
631 continuing education hours required for license renewal under this section are increased or
632 decreased proportionally.

633 Section 14. Section 58-71-304.2 is amended to read:

634 **58-71-304.2. Temporary license.**

635 (1) The division may issue a temporary license to an individual who:

636 (a) meets all qualifications for licensure except completion of the 12 month clinical
637 experience required under Section 58-71-302; and

638 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant
639 will practice under the direct supervision of a licensed naturopathic physician, physician and
640 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians
641 in an approved clinical experience program.

642 (2) A temporary license issued under this section expires on the date the licensee
643 completes the clinical experience program, but not more than 18 months from the original date
644 of issue.

645 (3) A temporary license under this section may be issued only once to an individual.

646 Section 15. Section **58-71-601** is amended to read:

647 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

648 (1) As used in this section:

649 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section
650 [75-1-201](#).

651 (b) "Mental illness" is as defined in Section [62A-15-602](#).

652 (2) If a court of competent jurisdiction determines a naturopathic physician is an
653 incapacitated person or that the physician has a mental illness and is unable to safely engage in
654 the practice of medicine, the director shall immediately suspend the license of the naturopathic
655 physician upon the entry of the judgment of the court, without further proceedings under Title
656 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the
657 court's ruling is pending. The director shall promptly notify the naturopathic physician, in
658 writing, of the suspension.

659 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to
660 believe a naturopathic physician, who is not determined judicially to be an incapacitated person
661 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding
662 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any
663 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition
664 with the division, and cause the petition to be served upon the naturopathic physician with a
665 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently
666 and safely engage in the practice of medicine.

667 (b) The hearing shall be conducted under Section [58-1-109](#), and Title 63G, Chapter 4,
668 Administrative Procedures Act, except as provided in Subsection (4).

669 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under
670 this chapter gives consent to:

671 (i) submitting at the physician's own expense to an immediate mental or physical
672 examination when directed in writing by the division [~~and a majority of the board~~] to do so;
673 and

674 (ii) the admissibility of the reports of the examining physician's testimony or
675 examination, and waives all objections on the ground the reports constitute a privileged
676 communication.

677 (b) The examination may be ordered by the division~~[-with the consent of a majority of~~
678 ~~the board,]~~ only upon a finding of reasonable cause to believe:

679 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable
680 to practice medicine with reasonable skill and safety; and

681 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to
682 the naturopathic physician's patients or the general public.

683 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under
684 this section is a ground for the division's immediate suspension of the naturopathic physician's
685 license by written order of the director.

686 (ii) The division may enter the order of suspension without further compliance with
687 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
688 submit to the examination ordered under this section was due to circumstances beyond the
689 control of the naturopathic physician and was not related directly to the illness or incapacity of
690 the naturopathic physician.

691 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or
692 (3) has the right to a hearing to appeal the suspension within 10 days after the license is
693 suspended.

694 (b) The hearing held under this subsection shall be conducted in accordance with
695 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
696 for the continuance of the order of suspension in order to prevent harm to the naturopathic
697 physician's patients or the general public.

698 (6) A naturopathic physician whose license is revoked, suspended, or in any way
699 restricted under this section may request the division [~~and the board~~] to consider, at reasonable
700 intervals, evidence presented by the naturopathic physician, under procedures established by
701 division rule, regarding any change in the naturopathic physician's condition, to determine
702 whether:

703 (a) the physician is or is not able to safely and competently engage in the practice of
704 medicine; and

705 (b) the physician is qualified to have the physician's license to practice under this
706 chapter restored completely or in part.

707 Section 16. Section 58-71-802 is amended to read:

708 **58-71-802. Form of practice.**

709 (1) A naturopathic physician licensed under this chapter may engage in practice as a
710 naturopathic physician, or in the practice of naturopathic medicine only as an individual
711 licensee; but as an individual licensee, ~~he~~ the naturopathic physician may be:

- 712 (a) an individual operating as a business proprietor;
- 713 (b) an employee of another person;
- 714 (c) a partner in a lawfully organized partnership;
- 715 (d) a lawfully formed professional corporation;
- 716 (e) a lawfully organized limited liability company;
- 717 (f) a lawfully organized business corporation; or
- 718 (g) any other form of organization recognized by the state which is not prohibited by
719 rule adopted by division rules [~~made in collaboration with the board~~].

720 (2) Regardless of the form in which a licensee engages in the practice of medicine, the
721 licensee may only permit the practice of medicine in that form of practice to be conducted by
722 an individual:

- 723 (a) licensed in Utah as a naturopathic physician under Section 58-71-301, a physician
724 and surgeon, or as an osteopathic physician and surgeon; and
- 725 (b) who is able to lawfully and competently engage in the practice of medicine.

726 Section 17. Section 58-71-803 is amended to read:

727 **58-71-803. Medical records -- Electronic records.**

- 728 (1) Medical records maintained by a licensee shall:
 - 729 (a) meet the standards and ethics of the profession; and
 - 730 (b) be maintained in accordance with division rules [~~made in collaboration with the~~
731 ~~board~~].

732 (2) Medical records under this section may be maintained by an electronic means if the
733 records comply with Subsection (1).

734 Section 18. Section 58-75-102 is amended to read:

735 **58-75-102. Definitions.**

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

- 737 [(1) "Board" means the Genetic Counselors Licensing Board created in Section
738 58-75-201.]

739 [(2)] (1) "Genetic counselor" means a person licensed under this chapter to engage in
740 the practice of genetic counseling.

741 [(3)] (2) "Practice of genetic counseling" means the communication process which
742 deals with the human problems associated with the occurrence, or the risk of occurrence, of a
743 genetic disorder in a family, including the provision of services to help an individual or family:

744 (a) comprehend the medical facts, including the diagnosis, probable cause of the
745 disorder, and the available management;

746 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in
747 specified relatives;

748 (c) understand the alternatives for dealing with the risk of occurrence;

749 (d) choose the course of action which seems appropriate to them in view of their risk,
750 their family goals, and their ethical and religious standards, and to act in accordance with that
751 decision; and

752 (e) make the best possible psychosocial adjustment to the disorder in an affected family
753 member or to the risk of occurrence of that disorder.

754 [(4)] (3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

755 [(5)] (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502
756 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,
757 Utah Administrative Rulemaking Act.

758 Section 19. Section 58-75-303 is amended to read:

759 **58-75-303. Term of license -- Expiration -- Renewal.**

760 (1) The division shall issue each license under this chapter in accordance with a
761 two-year renewal cycle established by rule. The division may by rule extend or shorten a
762 renewal cycle by as much as one year to stagger the renewal cycles it administers.

763 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
764 with continuing education requirements established by rule by the division [~~in collaboration~~
765 ~~with the board~~].

766 (3) Each license automatically expires on the expiration date shown on the license
767 unless the licensee renews it in accordance with Section 58-1-308.

768 Section 20. Section 58-77-102 is amended to read:

769 **58-77-102. Definitions.**

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

771 [~~(1)~~] "Board" means the Licensed Direct-entry Midwife Board created in Section
772 58-77-201.]

773 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter
774 44a, Nurse Midwife Practice Act.

775 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a
776 direct-entry midwife.

777 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of
778 direct-entry midwifery.

779 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

780 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and
781 interconceptual care that does not include a condition that requires a mandatory transfer under
782 administrative rules adopted by the division.

783 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,
784 osteopathic physician, or naturopathic physician.

785 [~~(8)~~] (7) "Practice of direct-entry midwifery" means the practice of providing the
786 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,
787 delivery, postpartum, and newborn periods that is consistent with national professional
788 midwifery standards and that is based upon the acquisition of clinical skills necessary for the
789 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,
790 newborn, and limited interconceptual care, and includes:

791 (a) obtaining an informed consent to provide services;

792 (b) obtaining a health history, including a physical examination;

793 (c) developing a plan of care for a client;

794 (d) evaluating the results of client care;

795 (e) consulting and collaborating with and referring and transferring care to licensed
796 health care professionals, as is appropriate, regarding the care of a client;

797 (f) obtaining medications, as specified in this Subsection [~~(8)~~](7)(f), to administer to
798 a client, including:

799 (i) prescription vitamins;

800 (ii) Rho D immunoglobulin;

- 801 (iii) sterile water;
- 802 (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a
803 client's blood loss;
- 804 (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the
805 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately
806 improve;
- 807 (vi) oxygen;
- 808 (vii) local anesthetics without epinephrine used in accordance with Subsection [~~(8)~~(1)]
809 (7)(l);
- 810 (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
- 811 (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and
- 812 (x) any other medication approved by a licensed health care provider with authority to
813 prescribe that medication;
- 814 (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,
815 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as
816 prescription drugs or controlled substances, and over-the-counter medications to administer to
817 clients;
- 818 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood
819 pressure cuff, phlebotomy supplies, instruments, and sutures;
- 820 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,
821 and ultrasound scans;
- 822 (j) managing the antepartum period;
- 823 (k) managing the intrapartum period, including:
 - 824 (i) monitoring and evaluating the condition of a mother and a fetus;
 - 825 (ii) performing an emergency episiotomy; and
 - 826 (iii) delivering a baby in any out-of-hospital setting;
- 827 (l) managing the postpartum period, including the suturing of an episiotomy and the
828 suturing of first and second degree natural perineal and labial lacerations, including the
829 administration of a local anesthetic;
- 830 (m) managing the newborn period, including:
 - 831 (i) providing care for a newborn baby, including performing a normal newborn baby

832 examination; and

833 (ii) resuscitating a newborn baby;

834 (n) providing limited interconceptual services in order to provide continuity of care,

835 including:

836 (i) breastfeeding support and counseling;

837 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;

838 and

839 (iii) pap smears, where each client with an abnormal result is to be referred to an

840 appropriate licensed health care provider; and

841 (o) executing the orders of a licensed health care professional, if the orders are within

842 the education, knowledge, and skill of the direct-entry midwife.

843 ~~[(9)]~~ (8) "Unlawful conduct" means the same as that term is defined in Sections

844 58-1-501 and 58-77-501.

845 ~~[(10)]~~ (9) "Unprofessional conduct" means the same as that term is defined in Sections

846 58-1-501 and 58-77-502 and as may be further defined by rule.

847 Section 21. Section 58-77-302 is amended to read:

848 **58-77-302. Qualifications for licensure.**

849 Each applicant for licensure as a licensed direct-entry midwife shall:

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

851 (2) pay a fee as determined by the department under Section 63J-1-504;

852 (3) hold a Certified Professional Midwife certificate in good standing with the North

853 American Registry of Midwives or equivalent certification approved by the division [~~in~~

854 ~~collaboration with the board~~];

855 (4) hold current adult and infant CPR and newborn resuscitation certifications through

856 an organization approved by the division [~~in collaboration with the board~~]; and

857 (5) provide documentation of successful completion of an approved pharmacology

858 course as defined by division rule.

859 Section 22. Section 58-83-102 is amended to read:

860 **58-83-102. Definitions.**

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

862 ~~[(1)] "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing~~

863 Board created in Section ~~58-83-201~~.]

864 ~~[(2)]~~ (1) "Branching questionnaire" means an adaptive and progressive assessment tool
865 [approved by the board].

866 ~~[(3)]~~ (2) "Delivery of online pharmaceutical services" means the process in which a
867 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized
868 by Section ~~58-83-306~~, using:

869 (a) a branching questionnaire or other assessment tool approved by the division for the
870 purpose of diagnosing and assessing a patient's health status;

871 (b) an Internet contract pharmacy to:

872 (i) dispense the prescribed drug; or

873 (ii) transfer the prescription to another pharmacy; and

874 (c) an Internet facilitator to facilitate the practices described in Subsections ~~[(3)](a)~~ and
875 ~~(b)]~~ (2)(a) and (b).

876 ~~[(4)]~~ (3) "Division" means the Division of Professional Licensing.

877 ~~[(5)]~~ (4) "Internet facilitator" means a licensed provider of a web-based system for
878 electronic communication between and among an online prescriber, the online prescriber's
879 patient, and the online contract pharmacy.

880 ~~[(6)]~~ (5) "Online contract pharmacy" means a pharmacy licensed and in good standing
881 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B
882 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an
883 online prescriber through a specific Internet facilitator.

884 ~~[(7)]~~ (6) "Online prescriber" means a person:

885 (a) licensed under another chapter of this title;

886 (b) whose license under another chapter of this title includes assessing, diagnosing, and
887 prescribing authority for humans; and

888 (c) who has obtained a license under this chapter to engage in online prescribing.

889 ~~[(8)]~~ (7) "Unlawful conduct" is as defined in Sections ~~58-1-501~~ and ~~58-83-501~~.

890 ~~[(9)]~~ (8) "Unprofessional conduct" is as defined in Sections ~~58-1-203~~ and ~~58-83-502~~,

891 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah
892 Administrative Rulemaking Act.

893 Section 23. Section ~~58-83-302~~ is amended to read:

894 **58-83-302. Qualifications for licensure.**

895 (1) Each applicant for licensure as an online prescriber under this chapter shall:

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

897 (b) pay a fee determined by the department under Section 63J-1-504;

898 (c) document that the applicant holds a Utah license that is active and in good standing
899 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human
900 ailments and the prescription of medications;901 (d) document that any other professional license the applicant possesses from other
902 jurisdictions is in good standing;903 (e) (i) submit to the division an outline of the applicant's proposed online assessment,
904 diagnosis, and prescribing tool, such as a branching questionnaire; and905 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the
906 [board] division and establish to the [board's] division's satisfaction that the utilization of that
907 assessment tool to facilitate the prescription of the drugs approved for online prescribing under
908 Section 58-83-305 does not compromise the public's health, safety, or welfare;909 (f) submit policies and procedures that address patient confidentiality, including
910 measures that will be taken to ensure that the age and other identifying information of the
911 person completing the online branching questionnaire are accurate;912 (g) describe the mechanism by which the online prescriber and patient will
913 communicate with one another, including electronic and telephonic communication;914 (h) describe how the online prescriber/patient relationship will be established and
915 maintained;916 (i) submit the name, address, and contact person of the Internet facilitator with whom
917 the online prescriber has contracted to provide services that the online prescriber will use to
918 engage in online assessment, diagnosis, and prescribing; and919 (j) submit documentation satisfactory to the [board] division regarding public health,
920 safety, and welfare demonstrating:

921 (i) how the online prescriber will comply with the requirements of Section 58-83-305;

922 (ii) the contractual services arrangement between the online prescriber and:

923 (A) the Internet facilitator; and

924 (B) the online contract pharmacy; and

925 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
926 audits in accordance with Section 58-83-308.

927 (2) An online prescriber may not use the services of an Internet facilitator or online
928 contract pharmacy whose license is not active and in good standing.

929 (3) Each applicant for licensure as an online contract pharmacy under this chapter
930 shall:

931 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B
932 Closed Door Pharmacy;

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

934 (c) pay a fee as determined by the department under Section 63J-1-504;

935 (d) submit any contract between the applicant and the Internet facilitator with which
936 the applicant is or will be affiliated;

937 (e) submit proof of liability insurance acceptable to the division that expressly covers
938 all activities the online contract pharmacy will engage in under this chapter, which coverage
939 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
940 \$3,000,000;

941 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
942 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
943 online pharmaceutical services under the provisions of this chapter unless:

944 (i) the drug is specifically approved by the division under Section 58-83-306; and

945 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
946 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

947 (g) document that any other professional license the applicant possesses from other
948 jurisdictions is active and in good standing; and

949 (h) demonstrate to the division that the applicant has satisfied any background check
950 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
951 contract pharmacy has not engaged in any act, practice, or omission, which when considered
952 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
953 believe that issuing a license under this chapter is inconsistent with the public's health, safety,
954 or welfare.

955 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

- 956 (a) submit a written application in the form prescribed by the division;
- 957 (b) pay a fee as determined by the department under Section 63J-1-504;
- 958 (c) submit any contract between the applicant and the following with which the
959 applicant will be affiliated:
- 960 (i) each online prescriber; and
- 961 (ii) the single online contract pharmacy;
- 962 (d) submit written policies and procedures satisfactory to the division that:
- 963 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
964 164, Health Insurance Portability and Accountability Act of 1996;
- 965 (ii) ensure compliance with all applicable laws by health care personnel and the online
966 prescriber who will process patient communications;
- 967 (iii) list the hours of operation;
- 968 (iv) describe the types of services that will be permitted electronically;
- 969 (v) describe the required patient information to be included in the communication, such
970 as patient name, identification number, and type of transaction;
- 971 (vi) establish procedures for archiving and retrieving information; and
- 972 (vii) establish quality oversight mechanisms;
- 973 (e) submit written documentation of the applicant's security measures to ensure the
974 confidentiality and integrity of any user-identifiable medical information;
- 975 (f) submit a description of the mechanism for:
- 976 (i) patients to access, supplement, and amend patient-provided personal health
977 information;
- 978 (ii) back-up regarding the Internet facilitator electronic interface;
- 979 (iii) the quality of information and services provided via the interface; and
- 980 (iv) patients to register complaints regarding the Internet facilitator, the online
981 prescriber, or the online contract pharmacy;
- 982 (g) submit a copy of the Internet facilitator's website;
- 983 (h) sign an affidavit attesting that:
- 984 (i) the applicant will not access any medical records or information contained in the
985 medical record except as necessary to administer the website and the branching questionnaire;
986 and

987 (ii) the applicant and its principals, and any entities affiliated with them, will only use
988 the services of a single online contract pharmacy named on the license approved by the
989 division; and

990 (i) submit any other information required by the division.

991 Section 24. Section **58-83-401** is amended to read:

992 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**
993 **Termination of authority to prescribe -- Immediate and significant danger.**

994 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the
995 license of a licensee, for revoking, suspending, restricting, or placing on probation the license
996 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist
997 order:

998 (a) shall be in accordance with Section **58-1-401**; and

999 (b) includes:

1000 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not
1001 approved by the [board] division under Section **58-83-306**; or

1002 (ii) any other violation of this chapter.

1003 (2) The termination or expiration of a license under this chapter for any reason does not
1004 limit the division's authority to start or continue any investigation or adjudicative proceeding.

1005 (3) (a) Because of the working business relationship between and among the online
1006 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to
1007 comply with this chapter may depend in some respects on the actions of the others.

1008 (b) It is possible that a particular action or inaction by the online prescriber, the Internet
1009 facilitator, or the online contract pharmacy could have the effect of causing the other licensed
1010 entities to be out of compliance with this chapter, and each entity may, therefore, be held
1011 accountable for any related party's non-compliance, if the party knew or reasonably should
1012 have known of the other person's non-compliance.

1013 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe
1014 any drug under this title if the online prescriber knew or reasonably should have known that the
1015 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the
1016 online contract pharmacy.

1017 (b) It is not a defense to an alleged violation under this chapter that the alleged

1018 violation was a result of an action or inaction not by the charged party but by the related online
1019 prescriber, the online contract pharmacy, or the Internet facilitator.

1020 (5) The following actions may result in an immediate suspension of the online
1021 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,
1022 and each is considered an immediate and significant danger to the public health, safety, or
1023 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate
1024 the delivery of online pharmaceutical services by the licensee:

1025 (a) online prescribing, dispensing, or facilitation with respect to:

1026 (i) a person who is younger than 18 years old;

1027 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

1028 and

1029 (iii) any controlled substance;

1030 (b) violating this chapter after having been given reasonable opportunity to cure the
1031 violation;

1032 (c) using the name or official seal of the state, the department, or the division, or their
1033 boards, in an unauthorized manner; or

1034 (d) failing to respond to a request from the division within the time frame requested
1035 for:

1036 (i) an audit of the website; or

1037 (ii) records of the online prescriber, the Internet facilitator, or the online contract
1038 pharmacy.

1039 Section 25. Section 63A-16-107 is amended to read:

1040 **63A-16-107. Utah Open Data Portal Website.**

1041 (1) As used in this section:

1042 (a) "Governmental entity" means the same as that term is defined in Section
1043 63G-2-103.

1044 (b) "Public information" means:

1045 (i) a record of a state governmental entity, a local governmental entity, or an
1046 independent entity that is classified as public under Title 63G, Chapter 2, Government Records
1047 Access and Management Act; or

1048 (ii) subject to any specific limitations and requirements regarding the provision of

1049 financial information from the entity under Section 67-3-12, for an entity that is exempt from
1050 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
1051 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
1052 Government Records Access and Management Act.

1053 (c) "Private, controlled, or protected information" means information classified as
1054 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
1055 Management Act.

1056 (d) "Website" means the Utah Open Data Portal Website created in this section.

1057 (2) There is created the Utah Open Data Portal Website to be administered by the
1058 division.

1059 (3) The website shall serve as a point of access for public information.

1060 (4) The division shall:

1061 (a) establish and maintain the website~~[- guided by the principles described in~~
1062 ~~Subsection 63A-18-202(2)];~~

1063 (b) provide equipment, resources, and personnel as needed to establish and maintain
1064 the website;

1065 (c) provide a mechanism for a governmental entity to gain access to the website for the
1066 purpose of posting and modifying public information; and

1067 (d) maintain an archive of all public information posted to the website.

1068 (5) The timing for posting and the content of the public information posted to the
1069 website is the responsibility of the governmental entity posting the public information.

1070 (6) A governmental entity may not post private, controlled, or protected information to
1071 the website.

1072 (7) A person who negligently discloses private, controlled, or protected information is
1073 not criminally or civilly liable for improper disclosure of the information if the information is
1074 disclosed solely as a result of the preparation or publication of the website.

1075 Section 26. Section 63I-1-226 is amended to read:

1076 **63I-1-226. Repeal dates: Titles 26 through 26B.**

1077 [~~(1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed~~
1078 ~~July 1, 2025.~~]

1079 [~~(2) Section 26-1-40 is repealed July 1, 2022.~~]

- 1080 [~~3~~] (1) Section [26-1-41](#) is repealed July 1, 2026.
- 1081 [~~4~~] (2) Section [26-1-43](#) is repealed December 31, 2025.
- 1082 [~~5~~] (3) Section [26-7-10](#) is repealed July 1, 2025.
- 1083 [~~6~~] (4) Subsection [26-7-11\(5\)](#), regarding reports to the Legislature, is repealed July 1,
1084 2028.
- 1085 [~~7~~] (5) Section [26-7-14](#) is repealed December 31, 2027.
- 1086 [~~8~~] (6) Section [26-8a-603](#) is repealed July 1, 2027.
- 1087 [~~9~~] (7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
1088 July 1, 2025.
- 1089 [~~10~~] (8) Subsection [26-10-6\(5\)](#), which creates the Newborn Hearing Screening
1090 Committee, is repealed July 1, 2026.
- 1091 [~~11~~] (9) Section [26-10b-106](#), which creates the Primary Care Grant Committee, is
1092 repealed July 1, 2025.
- 1093 [~~12~~] Subsection [26-15c-104\(3\)](#), relating to a limitation on the number of
1094 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]
- 1095 [~~13~~] (10) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental
1096 hygienists, is repealed July 1, 2028.
- 1097 [~~14~~] (11) Section [26-18-27](#) is repealed July 1, 2025.
- 1098 [~~15~~] (12) Section [26-18-28](#) is repealed June 30, 2027.
- 1099 [~~16~~] (13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
1100 July 1, 2027.
- 1101 [~~17~~] (14) Subsection [26-18-418\(2\)](#), the language that states "and the Behavioral
1102 Health Crisis Response Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 1103 [~~18~~] (15) Section [26-33a-117](#) is repealed December 31, 2023.
- 1104 [~~19~~] (16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
1105 2024.
- 1106 [~~20~~] (17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
1107 1, 2024.
- 1108 [~~21~~] (18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
1109 repealed July 1, 2024.
- 1110 [~~22~~] (19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July

- 1111 1, 2024.
- 1112 [~~(23)~~ Section ~~26-39-201~~, which creates the Residential Child Care Licensing Advisory
- 1113 Committee, is repealed July 1, 2024.]
- 1114 [~~(24)~~ (20) Section ~~26-39-405~~, Drinking water quality in child care centers, is repealed
- 1115 July 1, 2027.]
- 1116 [~~(25)~~ (21) Section ~~26-40-104~~, which creates the Utah Children's Health Insurance
- 1117 Program Advisory Council, is repealed July 1, 2025.]
- 1118 [~~(26)~~ (22) Section ~~26-50-202~~, which creates the Traumatic Brain Injury Advisory
- 1119 Committee, is repealed July 1, 2025.]
- 1120 [~~(27)~~ (23) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
- 1121 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.]
- 1122 [~~(28)~~ (24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
- 1123 July 1, 2026.]
- 1124 [~~(29)~~ (25) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
- 1125 1, 2024.]
- 1126 [~~(30)~~ (26) Section ~~26-69-406~~ is repealed July 1, 2025.]
- 1127 [~~(31)~~ Subsection ~~26B-1-204(2)(i)~~, related to the Residential Child Care Licensing
- 1128 Advisory Committee, is repealed July 1, 2024.]
- 1129 [~~(32)~~ (27) Subsection [~~26B-1-204(2)(k)~~ ~~26B-1-204(2)(i)~~, related to the Primary Care
- 1130 Grant Committee, is repealed July 1, 2025.]
- 1131 Section 27. Section **63I-1-263** is amended to read:
- 1132 **63I-1-263. Repeal dates: Titles 63A to 63N.**
- 1133 (1) Subsection ~~63A-5b-405(5)~~, relating to prioritizing and allocating capital
- 1134 improvement funding, is repealed July 1, 2024.]
- 1135 (2) Section ~~63A-5b-1003~~, State Facility Energy Efficiency Fund, is repealed July 1,
- 1136 2023.]
- 1137 (3) Sections ~~63A-9-301~~ and ~~63A-9-302~~, related to the Motor Vehicle Review
- 1138 Committee, are repealed July 1, 2023.]
- 1139 [~~(4)~~ In relation to the Utah Transparency Advisory Board, on January 1, 2025:]
- 1140 [~~(a)~~ Section ~~63A-18-102~~ is repealed;]
- 1141 [~~(b)~~ Section ~~63A-18-201~~ is repealed; and]

- 1142 [~~(c)~~] Section ~~63A-18-202~~ is repealed.]
- 1143 [~~(5)~~] (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
1144 July 1, 2028.
- 1145 [~~(6)~~] (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1146 2025.
- 1147 [~~(7)~~] (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
1148 July 1, 2024.
- 1149 [~~(8)~~] (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
1150 is repealed July 1, 2023.
- 1151 [~~(9)~~] (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
1152 repealed July 1, 2023.
- 1153 [~~(10)~~] (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,
1154 is repealed July 1, 2026.
- 1155 [~~(11)~~] (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 1156 [~~(12)~~] (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,
1157 2026.
- 1158 [~~(13)~~] (12) Section ~~63G-6a-805~~, which creates the Purchasing from Persons with
1159 Disabilities Advisory Board, is repealed July 1, 2026.
- 1160 [~~(14)~~] (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
1161 July 1, 2028.
- 1162 [~~(15)~~] (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
1163 July 1, 2024.
- 1164 [~~(16)~~] (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
1165 2026.
- 1166 [~~(17)~~] (16) Subsection ~~63J-1-602.1~~(17), relating to the Nurse Home Visiting Restricted
1167 Account, is repealed July 1, 2026.
- 1168 [~~(18)~~] (17) Subsection ~~63J-1-602.2~~(6), referring to dedicated credits to the Utah
1169 Marriage Commission, is repealed July 1, 2023.
- 1170 [~~(19)~~] Subsection ~~63J-1-602.2~~(7), referring to the Trip Reduction Program, is repealed
1171 July 1, 2022.]
- 1172 [~~(20)~~] (18) Subsection ~~63J-1-602.2~~(26), related to the Utah Seismic Safety

1173 Commission, is repealed January 1, 2025.

1174 ~~[(21)]~~ (19) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
1175 Committee, is repealed July 1, 2027.

1176 ~~[(22)]~~ (20) In relation to the Utah Substance Use and Mental Health Advisory Council,
1177 on January 1, 2033:

1178 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
1179 repealed;

1180 (b) Section [63M-7-305](#), the language that states "council" is replaced with
1181 "commission";

1182 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:

1183 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

1184 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

1185 "(2) The commission shall:

1186 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1187 Drug-Related Offenses Reform Act; and

1188 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
1189 Subsections [77-18-103](#)(2)(c) and (d)."

1190 ~~[(23)]~~ (21) The Crime Victim Reparations and Assistance Board, created in Section
1191 [63M-7-504](#), is repealed July 1, 2027.

1192 ~~[(24)]~~ (22) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
1193 2026.

1194 ~~[(25)]~~ (23) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
1195 repealed January 1, 2025.

1196 ~~[(26)]~~ (24) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1197 ~~[(27)]~~ (25) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
1198 July 1, 2028.

1199 ~~[(28)]~~ (26) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
1200 repealed July 1, 2027.

1201 ~~[(29)]~~ (27) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
1202 Program, is repealed July 1, 2025.

1203 ~~[(30)]~~ (28) In relation to the Rural Employment Expansion Program, on July 1, 2023:

1204 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
1205 and

1206 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
1207 Program, is repealed.

1208 [(31)] (29) In relation to the Board of Tourism Development, on July 1, 2025:

1209 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

1210 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
1211 repealed and replaced with "Utah Office of Tourism";

1212 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

1213 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
1214 approval from the Board of Tourism Development, is repealed; and

1215 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1216 [(32)] (30) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
1217 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
1218 is repealed on July 1, 2024.

1219 Section 28. Section 63I-2-226 is amended to read:

1220 **63I-2-226. Repeal dates: Titles 26 through 26B.**

1221 [(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed
1222 December 31, 2022.]

1223 [(2)] (1) Subsection 26-7-8(3) is repealed January 1, 2027.

1224 [(3)] (2) Section 26-8a-107 is repealed July 1, 2024.

1225 [(4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.]

1226 [(5)] (3) Section 26-8a-211 is repealed July 1, 2023.

1227 [(6)] (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
1228 26-8a-602(1)(a) is amended to read:

1229 "(a) provide the patient or the patient's representative with the following information
1230 before contacting an air medical transport provider:

1231 (i) which health insurers in the state the air medical transport provider contracts with;

1232 (ii) if sufficient data is available, the average charge for air medical transport services
1233 for a patient who is uninsured or out of network; and

1234 (iii) whether the air medical transport provider balance bills a patient for any charge not

1235 paid by the patient's health insurer; and".

1236 [~~(7)~~ Subsection ~~26-18-2.4~~(3)(c) is repealed January 1, 2023.]

1237 [~~(8)~~ Subsection ~~26-18-411~~(8), related to reporting on the health coverage improvement
1238 program, is repealed January 1, 2023.]

1239 [~~(9)~~ (5) Subsection ~~26-18-420~~(5), related to reporting on coverage for in vitro
1240 fertilization and genetic testing, is repealed July 1, 2030.

1241 [~~(10)~~ (6) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
1242 ~~26-21-32~~(1)(a) is amended to read:

1243 "(a) provide the patient or the patient's representative with the following information
1244 before contacting an air medical transport provider:

1245 (i) which health insurers in the state the air medical transport provider contracts with;

1246 (ii) if sufficient data is available, the average charge for air medical transport services
1247 for a patient who is uninsured or out of network; and

1248 (iii) whether the air medical transport provider balance bills a patient for any charge not
1249 paid by the patient's health insurer; and".

1250 [~~(11)~~ Subsection ~~26-33a-106.1~~(2)(a) is repealed January 1, 2023.]

1251 [~~(12)~~ (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
1252 Program, is repealed July 1, 2027.

1253 [~~(13)~~ Subsection ~~26-61-202~~(4)(b) is repealed January 1, 2022.]

1254 [~~(14)~~ Subsection ~~26-61-202~~(5) is repealed January 1, 2022.]

1255 [~~(15)~~ (8) Subsection [~~26B-1-204~~(2)(f)] ~~26B-1-204~~(2)(e), relating to the Air
1256 Ambulance Committee, is repealed July 1, 2024.

1257 Section 29. Section ~~67-1-2.5~~ is amended to read:

1258 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

1259 (1) As used in this section:

1260 (a) "Administrator" means the boards and commissions administrator designated under
1261 Subsection (3).

1262 (b) "Executive board" means an executive branch board, commission, council,
1263 committee, working group, task force, study group, advisory group, or other body:

1264 (i) with a defined limited membership;

1265 (ii) that is created by the constitution, by statute, by executive order, by the governor,

1266 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
1267 department, division, or other administrative subunit of the executive branch of state
1268 government; and

1269 (iii) that is created to operate for more than six months.

1270 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
1271 following the year in which a new executive board is created in statute, the governor shall:

1272 (i) review the executive board to evaluate:

1273 (A) whether the executive board accomplishes a substantial governmental interest; and

1274 (B) whether it is necessary for the executive board to remain in statute;

1275 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

1276 (A) the funding required for the executive board;

1277 (B) the staffing resources required for the executive board;

1278 (C) the time members of the executive board are required to commit to serve on the
1279 executive board; and

1280 (D) whether the responsibilities of the executive board could reasonably be
1281 accomplished through an existing entity or without statutory direction; and

1282 (iii) submit a report to the Government Operations Interim Committee recommending
1283 that the Legislature:

1284 (A) repeal the executive board;

1285 (B) add a sunset provision or future repeal date to the executive board;

1286 (C) make other changes to make the executive board more efficient; or

1287 (D) make no changes to the executive board.

1288 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
1289 deference to:

1290 (i) reducing the size of government; and

1291 (ii) making governmental programs more efficient and effective.

1292 (c) The governor is not required to conduct the review or submit the report described in
1293 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,
1294 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

1295 (3) (a) The governor shall designate a board and commissions administrator from the
1296 governor's staff to maintain a computerized database containing information about all

1297 executive boards.

1298 (b) The administrator shall ensure that the database contains:

1299 (i) the name of each executive board;

1300 (ii) the current statutory or constitutional authority for the creation of the executive

1301 board;

1302 (iii) the sunset date on which each executive board's statutory authority expires;

1303 (iv) the state officer or department and division of state government under whose

1304 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

1305 (v) the name, address, gender, telephone number, and county of each individual

1306 currently serving on the executive board, along with a notation of all vacant or unfilled

1307 positions;

1308 (vi) the title of the position held by the person who appointed each member of the

1309 executive board;

1310 (vii) the length of the term to which each member of the executive board was

1311 appointed and the month and year that each executive board member's term expires;

1312 (viii) whether members appointed to the executive board require the advice and

1313 consent of the Senate;

1314 (ix) the organization, interest group, profession, local government entity, or geographic

1315 area that an individual appointed to an executive board represents, if any;

1316 (x) the party affiliation of an individual appointed to an executive board, if the statute

1317 or executive order creating the position requires representation from political parties;

1318 (xi) whether each executive board is a policy board or an advisory board;

1319 (xii) whether the executive board has or exercises rulemaking authority, or is a

1320 rulemaking board as defined in Section [63G-24-102](#); and

1321 (xiii) any compensation and expense reimbursement that members of the executive

1322 board are authorized to receive.

1323 (4) The administrator shall ensure the governor's website includes:

1324 (a) the information contained in the database, except for an individual's:

1325 (i) physical address;

1326 (ii) email address; and

1327 (iii) telephone number;

1328 (b) a portal, accessible on each executive board's web page within the governor's
1329 website, through which a member of the public may provide input on:

1330 (i) an individual appointed to serve on the executive board; or

1331 (ii) a sitting member of the executive board;

1332 (c) each report the administrator receives under Subsection (5); and

1333 (d) the summary report described in Subsection (6).

1334 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
1335 executive board shall prepare and submit to the administrator a report that includes:

1336 (i) the name of the executive board;

1337 (ii) a description of the executive board's official function and purpose;

1338 (iii) a description of the actions taken by the executive board since the last report the
1339 executive board submitted to the administrator under this Subsection (5);

1340 (iv) recommendations on whether any statutory, rule, or other changes are needed to
1341 make the executive board more effective; and

1342 (v) an indication of whether the executive board should continue to exist.

1343 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
1344 to the governor's website before September 1 of a calendar year in which the administrator
1345 receives a report described in Subsection (5)(a).

1346 (6) (a) Before September 1 of a calendar year in which the administrator receives a
1347 report described in Subsection (5)(a), the administrator shall prepare a report that includes:

1348 (i) as of July 1 of that year, the total number of executive boards that exist;

1349 (ii) a summary of the reports submitted to the administrator under Subsection (5),
1350 including:

1351 (A) a list of each executive board that submitted a report under Subsection (5);

1352 (B) a list of each executive board that did not submit a report under Subsection (5);

1353 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and

1354 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
1355 executive board should no longer exist; and

1356 (iii) a list of each executive board, identified and reported by the Division of Archives
1357 and Record Services under Section [63A-16-601](#), that did not post a notice of a public meeting
1358 on the Utah Public Notice Website during the previous fiscal year.

1359 (b) On or before September 1 of a calendar year in which the administrator prepares a
1360 report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator
1361 shall submit the report to:

- 1362 (i) the president of the Senate;
- 1363 (ii) the speaker of the House of Representatives; and
- 1364 (iii) the Government Operations Interim Committee.

1365 (7) (a) On or before September 30, 2023, the administrator shall meet with the Division
1366 of Professional Licensing, the Insurance Department, the Department of Agriculture and Food,
1367 and the stakeholders involved with at least the following boards as part of the annual review of
1368 executive boards:

- 1369 (i) the Landscape Architects Board;
- 1370 (ii) the Professional Geologist Licensing Board;
- 1371 (iii) the Bail Bond Oversight Board;
- 1372 (iv) the Title and Escrow Commission; and
- 1373 (v) the Horse Racing Commission.

1374 (b) The review described in Subsection (7)(a) shall consider:

- 1375 (i) the funding required for the executive board;
- 1376 (ii) the staffing resources required for the executive board;
- 1377 (iii) the time members of the executive board are required to commit to serve on the
1378 executive board;

1379 (iv) whether the responsibilities of the executive board could reasonably be
1380 accomplished through an existing entity or without statutory direction;

1381 (v) the historical record of how many meetings the executive board held in the last five
1382 years and the agendas of the executive board;

- 1383 (vi) the ability to fill vacancies and appointments to the executive board;
- 1384 (vii) the statutory duties of the executive board; and
- 1385 (viii) other items to make the best recommendations for the executive board.

1386 (8) (a) The administrator shall submit a report of the review described in Subsection
1387 (7)(b) to the Government Operations Interim Committee before October 17, 2023,
1388 recommending that the Legislature:

- 1389 (i) repeal the executive board;

- 1390 (ii) add a sunset or future repeal date to the executive board;
- 1391 (iii) make other changes to make the executive board more efficient; or
- 1392 (iv) make no changes to the executive board.

1393 (b) In conducting the review described in Subsection (7)(b), the administrator shall
1394 give deference to:

- 1395 (i) reducing the size of government;
- 1396 (ii) making governmental programs more efficient and effective; and
- 1397 (iii) reducing the burdens of government on business.

1398 Section 30. Section **72-9-201** is amended to read:

1399 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**
1400 **Meetings -- Per diem and expenses -- Duties.**

1401 (1) There is created within the department the Motor Carrier Advisory Board
1402 consisting of five members appointed by the [governor] department.

1403 (2) Each member of the board shall:

1404 (a) represent experience and expertise in the areas of motor carrier transportation,
1405 commerce, agriculture, economics, shipping, or highway safety;

1406 (b) be selected at large on a nonpartisan basis; and

1407 (c) have been a legal resident of the state for at least one year immediately preceding
1408 the date of appointment.

1409 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1410 expire, the [governor] department shall appoint each new member or reappointed member to a
1411 four-year term.

1412 (b) The [governor] department shall, at the time of appointment or reappointment,
1413 adjust the length of terms to ensure that the terms of board members are staggered so that
1414 approximately half of the board is appointed every two years.

1415 (c) A member shall serve from the date of appointment until a replacement is
1416 appointed.

1417 (4) When a vacancy occurs in the membership for any reason, the [governor]
1418 department shall appoint the replacement to serve for the remainder of the unexpired term
1419 beginning the day following the day on which the vacancy occurs.

1420 (5) The board shall elect its own chair and vice chair at the first regular meeting of each

1421 calendar year.

1422 (6) The board shall meet at least twice per year or as needed when called by the chair.

1423 (7) Any three voting members constitute a quorum for the transaction of business that
1424 comes before the board.

1425 (8) A member may not receive compensation or benefits for the member's service, but
1426 may receive per diem and travel expenses in accordance with:

1427 (a) Section 63A-3-106;

1428 (b) Section 63A-3-107; and

1429 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1430 63A-3-107.

1431 (9) The board shall advise the department and the commission on interpretation,
1432 adoption, and implementation of this chapter and other motor carrier related issues.

1433 (10) The department shall provide staff support to the board.

1434 Section 31. **Repealer.**

1435 This bill repeals:

1436 Section 26-1-7.5, **Health advisory council.**

1437 Section 26-39-201, **Residential Child Care Licensing Advisory Committee.**

1438 Section 41-23-1, **Enactment.**

1439 Section 41-23-2, **Text.**

1440 Section 58-49-1, **Short title.**

1441 Section 58-49-3, **Board created -- Duties.**

1442 Section 58-71-201, **Board.**

1443 Section 58-75-101, **Title.**

1444 Section 58-75-201, **Board.**

1445 Section 58-77-201, **Board.**

1446 Section 58-83-101, **Title.**

1447 Section 58-83-201, **Board.**

1448 Section 63A-18-102, **Definitions.**

1449 Section 63A-18-201, **Utah Transparency Advisory Board -- Creation --**

1450 **Membership -- Duties.**

1451 Section 63A-18-202, **Utah Transparency Advisory Board -- Duties.**