{deleted text} shows text that was in SB0123 but was deleted in SB0123S05.

inserted text shows text that was not in SB0123 but was inserted into SB0123S05.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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:**

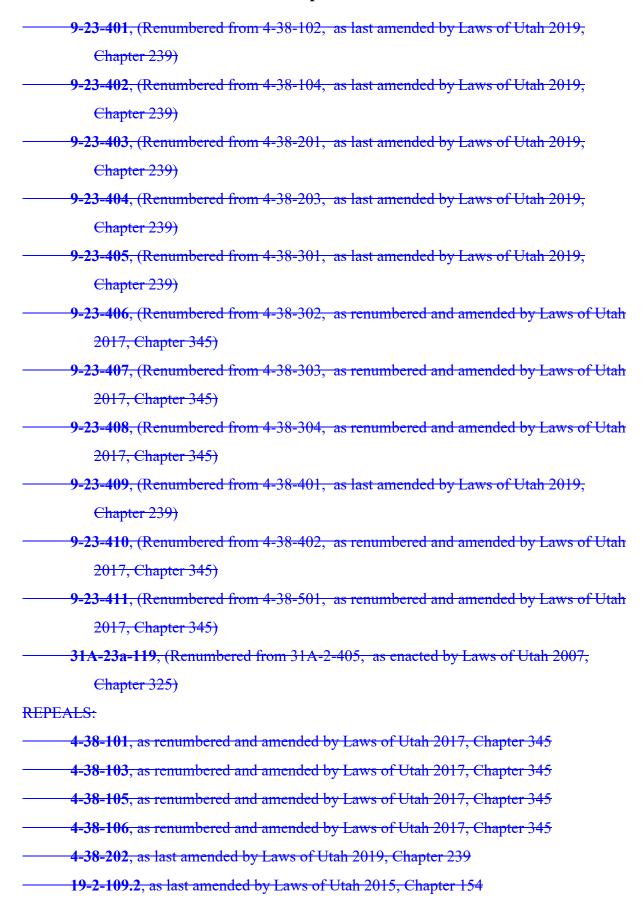
This bill:

- 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 Landscape Architects Board;
- the Online Prescribing, Dispensing, and Facilitation Licensing Board;
- the Professional Geologist Licensing Board;

} the Licensed Direct Entry Midwife Board; the Naturopathic Physicians Licensing Board; the Utah Health Advisory Council; the Geographic Names Board; the Small Business Compliance Advisory Panel; the Transparency Advisory Board; } the Bail Bond Oversight Board; the Horse Racing Commission; the Horse Racing Commission Board of Stewards; the Title and Escrow Commission;} and the Western States Transportation Alliance; modifies provisions related to the Motor Carrier Advisory Board; modifies provisions related to the Geographic Names Board; modifies provisions related to the criminal justice coordinating councils; renames and modifies provisions related to the Child Care Center Licensing Committee; and makes technical changes. **Money Appropriated in this Bill:** None **Other Special Clauses:** None **Utah Code Sections Affected:** AMENDS: 9-9-113, as enacted by Laws of Utah 2021, Chapter 189 <del>{19-1-201}</del> 17-55-201, as <del>{last amended}</del> enacted by Laws of Utah <del>{2020, Chapter 256</del>} 19-2-109.1, as last amended by Laws of Utah 2020, Chapter 256 ₹2022, Chapter 187 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74

```
26B-1-204, as renumbered and amended by Laws of Utah 2022, Chapter 255
      31A-19a-209, as last amended by Laws of Utah 2015, Chapters 312, 330
      31A-23a-105, as last amended by Laws of Utah 2014, Chapters 290, 300
      31A-23a-106, as last amended by Laws of Utah 2015, Chapter 330
      31A-23a-108, as last amended by Laws of Utah 2014, Chapters 290, 300
       31A-23a-204, as last amended by Laws of Utah 2015, Chapter 330
      31A-23a-402, as last amended by Laws of Utah 2019, Chapter 193
      31A-23a-406, as last amended by Laws of Utah 2021, Chapter 252
      31A-23a-415, as last amended by Laws of Utah 2020, Chapter 32
      31A-23a-1001, as last amended by Laws of Utah 2020, Chapter 448
      31A-26-203, as last amended by Laws of Utah 2012, Chapter 253
      31A-26-204, as last amended by Laws of Utah 2009, Chapter 349
      31A-35-102, as last amended by Laws of Utah 2016, Chapter 234
      31A-35-301, as last amended by Laws of Utah 2016, Chapter 234
      31A-35-405, as last amended by Laws of Utah 2019, Chapter 193
      31A-35-406, as last amended by Laws of Utah 2021, Chapter 252
      31A-35-407, as last amended by Laws of Utah 2016, Chapter 234
      31A-41-102, as last amended by Laws of Utah 2013, Chapter 319
      31A-41-202, as last amended by Laws of Utah 2016, Chapter 138
}
       58-49-2, as last amended by Laws of Utah 1993, Chapter 297
       58-49-4, as last amended by Laws of Utah 2020, Chapter 339
       58-49-6, as enacted by Laws of Utah 1986, Chapter 192
      58-53-102, as renumbered and amended by Laws of Utah 1998, Chapter 191
       58-53-103, as last amended by Laws of Utah 2013, Chapter 400
      58-53-302, as last amended by Laws of Utah 2009, Chapter 183
       58-53-304, as renumbered and amended by Laws of Utah 1998, Chapter 191
       58-53-601, as enacted by Laws of Utah 1998, Chapter 191
       58-71-102, as last amended by Laws of Utah 2022, Chapter 440
}
       58-71-203, as enacted by Laws of Utah 2022, Chapter 440
       58-71-302, as last amended by Laws of Utah 2020, Chapter 339
       58-71-304, as last amended by Laws of Utah 2001, Chapter 268
```

```
58-71-304.2, as enacted by Laws of Utah 1996, Chapter 282
       58-71-601, as last amended by Laws of Utah 2013, Chapter 364
       58-71-802, as enacted by Laws of Utah 1996, Chapter 282
       58-71-803, as enacted by Laws of Utah 1996, Chapter 282
       58-75-102, as last amended by Laws of Utah 2008, Chapter 382
       58-75-303, as enacted by Laws of Utah 2001, Chapter 100
       58-76-102, as enacted by Laws of Utah 2002, Chapter 218
       58-76-103, as last amended by Laws of Utah 2011, Chapter 303
      58-76-302, as last amended by Laws of Utah 2020, Chapter 339
       58-76-601, as enacted by Laws of Utah 2002, Chapter 218
       58-76-603, as enacted by Laws of Utah 2002, Chapter 218
       58-77-102, as last amended by Laws of Utah 2017, Chapter 114
}
       58-77-302, as last amended by Laws of Utah 2020, Chapter 339
       58-83-102, as last amended by Laws of Utah 2022, Chapter 415
       58-83-302, as last amended by Laws of Utah 2022, Chapter 415
       58-83-401, as last amended by Laws of Utah 2022, Chapter 415
       61-2c-301, as last amended by Laws of Utah 2020, Chapter 72
       61-2f-401, as last amended by Laws of Utah 2022, Chapter 204
       61-2g-502, as last amended by Laws of Utah 2020, Chapter 72
       63A-16-107, as enacted by Laws of Utah 2021, Chapter 84
}
       63I-1-226, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
          347, and 451
       63I-1-263, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
          249, 274, 296, 313, 361, 362, 417, 419, and 472
       <del>{63I-2-219}</del>63I-2-226, as last amended by Laws of Utah 2022, <del>{Chapter 95}</del>Chapters
          255, 365
       67-1-2.5, as last amended by Laws of Utah 2021, Chapters 84, 345
       72-9-201, as last amended by Laws of Utah 2017, Chapter 96+
ENACTS:
       9-23-412, Utah Code Annotated 1953
RENUMBERS AND AMENDS:
```



```
}
REPEALS:
       26-1-7.5, as last amended by Laws of Utah 2011, Chapter 297
       26-39-201, as last amended by Laws of Utah 2022, Chapter 255
       31A-2-401, as enacted by Laws of Utah 2005, Chapter 185
       31A-2-402, as last amended by Laws of Utah 2015, Chapter 330
       31A-2-403, as last amended by Laws of Utah 2022, Chapter 198
       31A-2-404, as last amended by Laws of Utah 2016, Chapter 193
       31A-35-201, as last amended by Laws of Utah 2016, Chapter 234
       31A-35-202, as last amended by Laws of Utah 2016, Chapter 234
       41-23-1, as last amended by Laws of Utah 2011, Chapter 202
}
       41-23-2, as last amended by Laws of Utah 2011, Chapter 202
       58-49-1, as enacted by Laws of Utah 1986, Chapter 192
       58-49-3, as repealed and reenacted by Laws of Utah 1993, Chapter 297
       58-53-101, as renumbered and amended by Laws of Utah 1998, Chapter 191
       58-53-201, as renumbered and amended by Laws of Utah 1998, Chapter 191
       58-71-201, as last amended by Laws of Utah 1997, Chapter 10
}
       58-75-101, as enacted by Laws of Utah 2001, Chapter 100
       58-75-201, as enacted by Laws of Utah 2001, Chapter 100
       58-76-101, as enacted by Laws of Utah 2002, Chapter 218
       58-76-201, as enacted by Laws of Utah 2002, Chapter 218
}
       58-77-201, as last amended by Laws of Utah 2013, Chapter 167
       58-83-101, as enacted by Laws of Utah 2010, Chapter 180
       58-83-201, as enacted by Laws of Utah 2010, Chapter 180
       63A-18-102, as enacted by Laws of Utah 2021, Chapter 84
       63A-18-201, as renumbered and amended by Laws of Utah 2021, Chapter 84
       63A-18-202, as enacted by Laws of Utah 2021, Chapter 84
```

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

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

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

- (1) As used in this section[:], "location name referring to American Indians" means the name of a place in the state that uses American Indian related terms.
- [(a) "Location name referring to American Indians" means the name of a place in the state that uses American Indian related terms.]
- [(b) "Utah Committee on Geographic Names" means the committee created by executive order of the governor that has a primary function to act as the state's liaison with the United States Board on Geographic Names and to review geographic name changes and additions in Utah.]
- (2) (a) To facilitate the United States Board on Geographic Names' application process for changing a location name referring to American Indians, the division may create an application template[, in consultation with the Utah Committee on Geographic Names,] for the following to use:
- (i) a county in which a place with a location name referring to American Indians is located;
- (ii) an Indian tribe that is connected to the geographic location referring to American Indians for which the Indian tribe seeks to change the name;
- (iii) a local community in and around a place with a location name referring to American Indians; or
- (iv) another person identified by the division [in consultation with the Utah Committee on Geographic Names].
- (b) The application template described in Subsection (2)(a) shall encourage an applicant to solicit feedback from the one or more tribal governments that are connected to the geographic location for which the applicant is proposing to change the location name referring to American Indians.
- (c) If the division assists a person applying to change the location name referring to American Indians, the division shall direct the person to consult with any tribal government that is connected to the geographic location for which the location name referring to American Indians is proposed to be changed so that a tribal government has an opportunity to provide an official response.
- (d) The division may bring proposed name changes to location names referring to American Indians to tribal leaders to solicit input from the Indian tribes.

- (3) The division shall provide on the division's website resources for applicants and information about proposed changes to location names referring to American Indians.
- (4) In accordance with Section 9-9-107, the division shall annually report to the Native American Legislative Liaison Committee on the division's activities under this section.

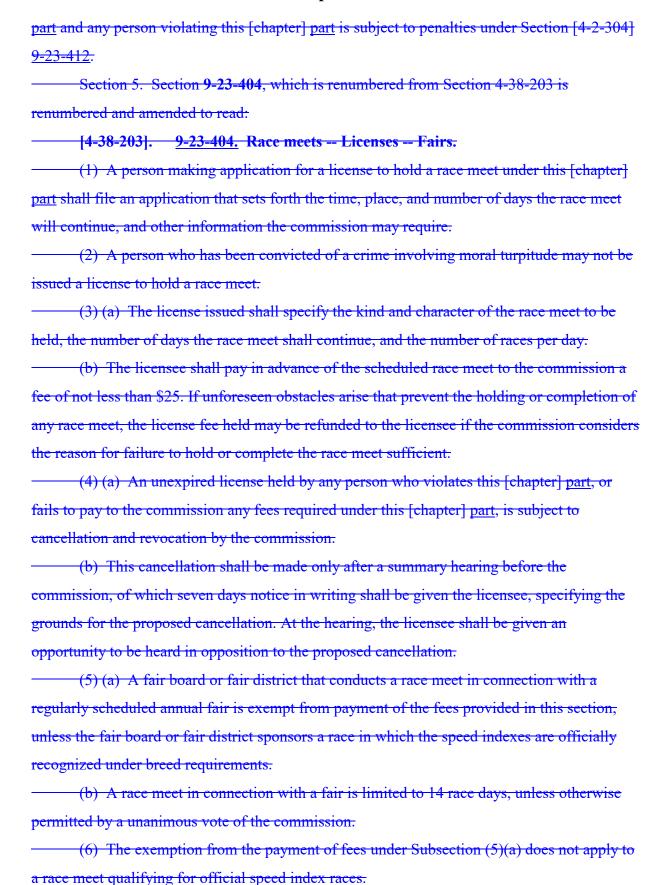
Section 2. Section {9-23-4}17-55-201{, which} is{renumbered from Section 4-38-102 is renumbered and} amended to read:

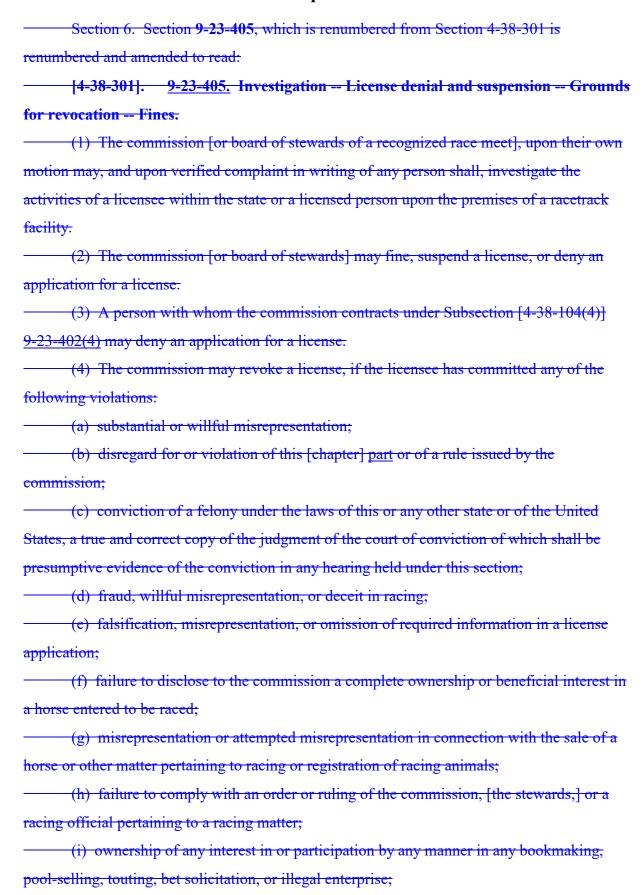
# **Part 4. Utah Horse Regulation Act** [4-38-102]. 9-23-401. Definitions. As used in this [chapter] part: [(1) "Commission" means the Utah Horse Racing Commission created by this chapter.] [(2) "Executive director" means the executive director of the commission.] (1) "Licensee" means a person licensed under this part. [(3)] (2) "Mixed meet" means a race meet that includes races by more than one breed of horse. [(4)] (3) "Race meet" means the entire period of time for which a licensee has been approved to hold horse races. [(5)] (4) "Racetrack facility" means a racetrack within Utah approved by the commission for the racing of horses, including the track surface, grandstands, clubhouse, all animal housing and handling areas, and other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials. [(6)] (5) "Recognized race meet" means a race meet recognized by a national horse breed association. [(7)] (6) "Utah bred horse" means a horse that is sired by a stallion standing in Utah at the time the dam was bred. Section 3. Section 9-23-402, which is renumbered from Section 4-38-104 is renumbered and amended to read: [4-38-104]. <u>9-23-402.</u> Powers and duties of commission. (1) The commission shall: (a) license, regulate, and supervise the persons involved in the racing of horses as provided in this [chapter] part;

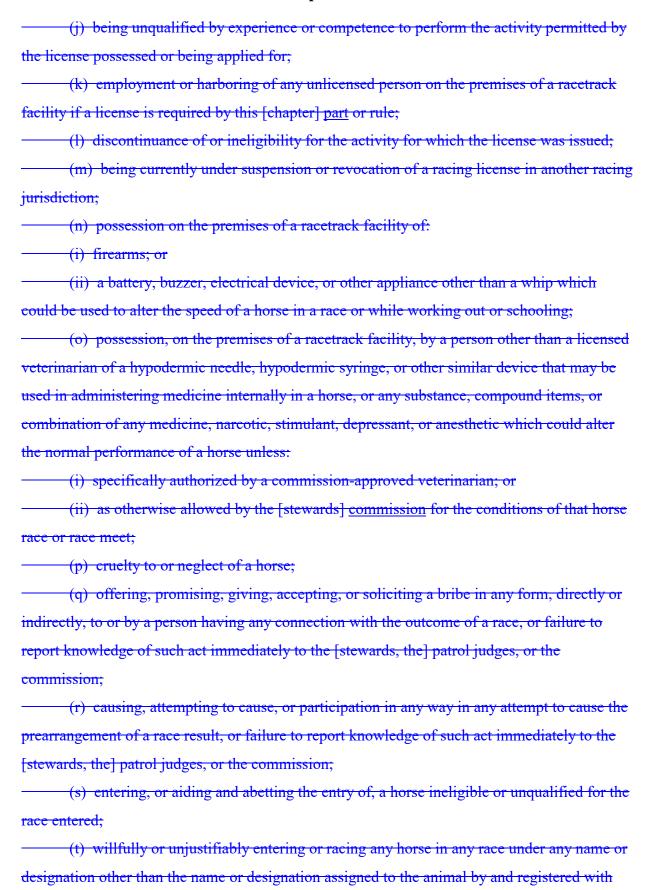
(b) license, regulate, and supervise the recognized race meets held in this state under

the terms of this [chapter] part; (c) cause the various places where recognized race meets are held to be visited and inspected at least once a year; (d) assist in procuring public liability insurance coverage from a private insurance company for those licensees unable to otherwise obtain the insurance required under this [chapter] part; (e) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to govern race meets, including rules: (i) to resolve scheduling conflicts and settle disputes among licensees; (ii) to supervise, discipline, suspend, fine, and bar from events a person required to be licensed by this [chapter] part; (iii) to exclude a horse from a racetrack facility in this state, or prohibit a horse from participating in a horse race or race meet; and (iv) to hold, conduct, and operate all recognized race meets conducted pursuant to this [chapter] part; (f) determine which persons participating, directly or indirectly, in recognized race meets require licenses; (g) announce the time, place, and duration of a recognized race meet for which a license is required; and (h) establish reasonable fees for all licenses provided for under this [chapter] part. (2) The commission may: (a) grant, suspend, or revoke licenses issued under this [chapter] part; (b) impose fines as provided in this [chapter] part; (c) access criminal history record information for the licensees and commission or contracted employees; (d) exclude from any racetrack facility in this state a person, including an owner, who: (i) the commission considers detrimental to the best interests of racing; or (ii) violates this [chapter] part or any rule or order of the commission; and (e) exclude from a racetrack facility in this state, or prohibit from participating in a horse race or race meet, a horse that is owned, in full or part by a person: (i) who the commission considers detrimental to the best interests of racing; or

(ii) who violates this [chapter] part or a rule or order of the commission. (3) (a) For purposes of Subsection (2)(e), ownership includes a horse for which an individual or entity has a beneficial or other interest, as defined by rule. (b) The period of time a horse may be excluded or prohibited from racing under Subsection (2)(e) may not exceed one calendar year from the date of the initial oral or written ruling [by the stewards]. (c) A change in ownership or beneficial interest in a horse excluded or prohibited from racing under Subsection (2)(e) does not affect the horse's exclusion from a racetrack or prohibition from racing unless otherwise determined by the commission. (4) The commission may contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a person to issue a license required under Subsection (1)(a) or (b). (5) Any member of the commission who has a personal or private interest in any matter proposed or pending before the commission shall publicly disclose this fact to the commission and may not vote on the matter. (6) Any member of the commission who owns or who has any interest, or whose spouse or member of his or her immediate family has any interest, in a horse participating in a race shall disclose that interest and may not participate in any commission decision involving that race. Section 4. Section 9-23-403, which is renumbered from Section 4-38-201 is renumbered and amended to read: [4-38-201]. 9-23-403. Licenses -- Fees -- Duties of licensees. (1) The commission may grant, or contract under Subsection [4-38-104(4)] 9-23-402(4) for the granting of a license, for participation in racing and other activities associated with a racetrack. (2) The commission shall establish a schedule of fees for the application for and renewal and reinstatement of licenses issued under this [chapter] part. (3) A person holding a license under this [chapter] part shall comply with this [chapter] part and with the rules issued and the orders issued by the commission under this [chapter] part. (4) A person who holds a recognized race meet or who participates directly or indirectly in a recognized race meet without being first licensed as required under this [chapter]





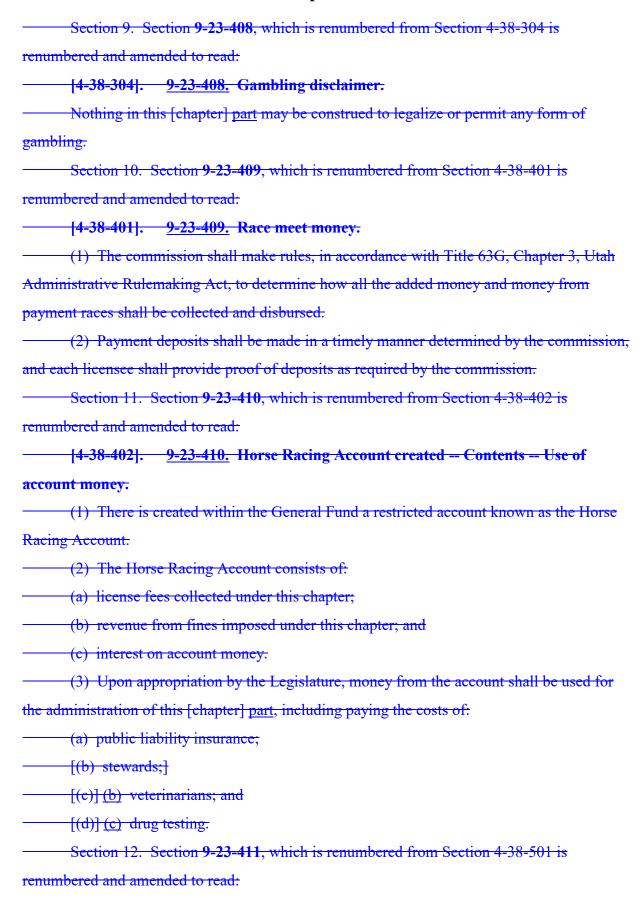


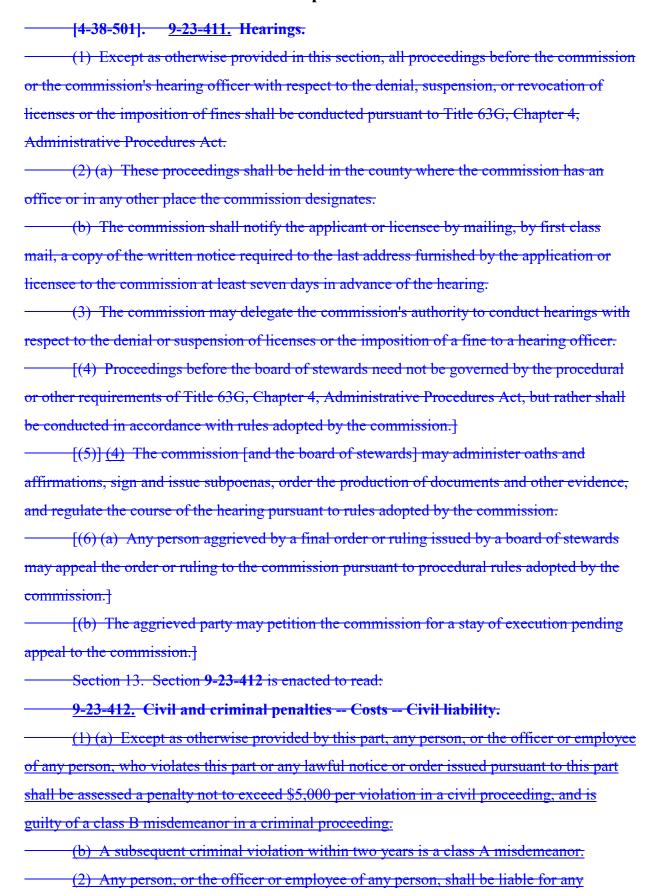
the official recognized registry for that breed of animal, or willfully setting on foot, instigating, engaging in, or in any way furthering any act by which any horse is entered or raced in any race under any name or designation other than the name or designation duly assigned by and registered with the official recognized registry for the breed of animal; or (u) racing at a racetrack facility without having that horse registered to race at that racetrack facility. (5) (a) A person who fails to pay in a timely manner a fine imposed pursuant to this [chapter] part shall pay, in addition to the fine due, a penalty amount equal to the fine. (b) A person who submits to the commission a check in payment of a fine or license fee requirement imposed pursuant to this [chapter] part, which is not honored by the financial institution upon which the check is drawn, shall pay, in addition to the fine or fee due, a penalty amount equal to the fine. Section 7. Section 9-23-406, which is renumbered from Section 4-38-302 is renumbered and amended to read: [4-38-302]. 9-23-406. Stimulation or retardation of animals prohibited -- Tests. (1) Any person who uses or permits the use of any mechanical or electrical device, or drug of any kind, to stimulate or retard any animal in any race authorized by this [chapter] part, except as prescribed by the commission, is guilty of a class A misdemeanor. (2) A commission member [or race steward] may cause tests to be made that the commission considers proper to determine whether any animal has been stimulated or retarded. Tests performed in furtherance of this section shall be conducted by or under the supervision of a licensed Utah veterinarian. Section 8. Section 9-23-407, which is renumbered from Section 4-38-303 is renumbered and amended to read: [4-38-303]. <u>9-23-407.</u> Bribery and touting prohibited. Any person who gives or promises or attempts to give, or any person who receives or agrees to receive or attempts to receive, any money, bribe, or thing of value with intent to influence any person to dishonestly umpire, manage, direct, judge, preside, officiate at, or

participate in any race conducted under this [chapter] part with the intent or purpose that the

and subject to a fine of not more than \$10,000.

result of the race will be affected or influenced thereby, is guilty of a felony of the third degree





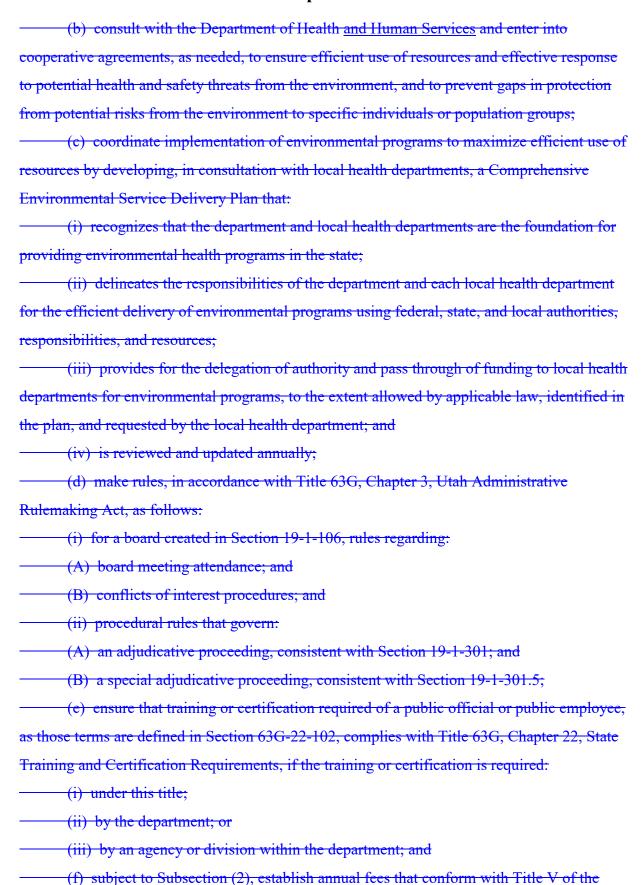
expenses incurred by the commission in abating any violation of this part.

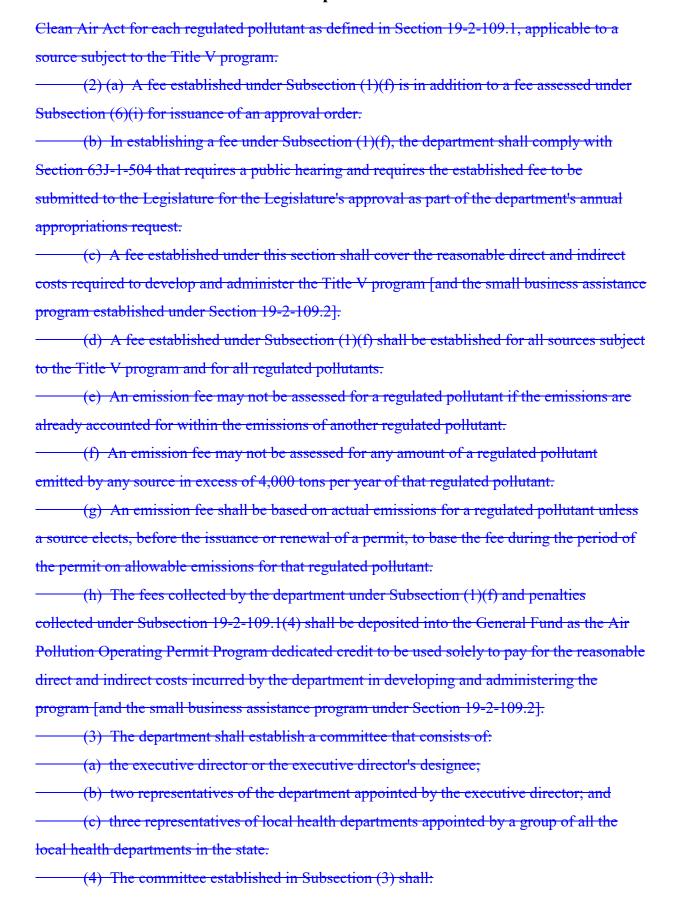
- (3) A penalty assessment or criminal conviction under this part does not relieve the person assessed or convicted from civil liability for claims arising out of any act that was also a violation.
- † 17-55-201. Criminal justice coordinating councils -- Creation -- Strategic plan -- Reporting requirements.
  - (1) (a) Beginning January 1, 2023, a county shall:
  - (i) create a criminal justice coordinating council; or
- (ii) jointly with another county or counties, create a criminal justice coordinating council.
- (b) The purpose of a council is to coordinate and improve components of the criminal justice system in the county or counties.
  - (2) (a) A council shall include:
  - (i) one county commissioner or county council member;
  - (ii) the county sheriff or the sheriff's designee;
  - (iii) one chief of police of a municipality within the county or the chief's designee;
  - (iv) the county attorney or the attorney's designee;
  - (v) one public defender or attorney who provides public defense within the county;
  - (vi) one district court judge;
  - (vii) one justice court judge;
- (viii) one representative from the Division of Adult Probation and Parole within the Department of Corrections;
  - (ix) one representative from the local mental health authority within the county; and
  - (x) one individual who is:
  - (A) a crime victim; or
  - (B) a victim advocate, as defined in Section 77-38-403.
  - (b) A council may include:
  - (i) an individual representing:
  - (A) local government;
  - (B) human services programs;
  - (C) higher education;

- (D) peer support services; (E) workforce services; (F) local housing services; (G) mental health or substance use disorder providers; (H) a health care organization within the county; (I) a local homeless council; (J) family counseling and support groups; or (K) organizations that work with families of incarcerated individuals; or (ii) an individual with lived experiences in the criminal justice system. [(3) The member described in Subsection (2)(a)(i) shall serve as chair of the council.] (3) A council shall rotate the position of the chair among the members. (4) (a) A council shall develop and implement a strategic plan for the county's or counties' criminal justice system that includes: (i) mapping of all systems, resources, assets, and services within the county's or counties' criminal justice system; (ii) a plan for data sharing across the county's or counties' criminal justice system; (iii) recidivism reduction objectives; and (iv) community reintegration goals. (b) The commission may assist a council in the development of a strategic plan. (5) Before November 30 of each year, a council shall provide a written report to the commission regarding: (a) the implementation of a strategic plan described in Subsection (4); and (b) any data on the impact of the council on the criminal justice system in the county or counties. Section  $\frac{\{14\}}{2}$ . Section  $\frac{\{19-1-201\}}{26-1-2}$  is amended to read: 19-1-201. Powers and duties of department -- Rulemaking authority --Committee -- Monitoring environmental impacts of inland port.
- (1) The department shall:

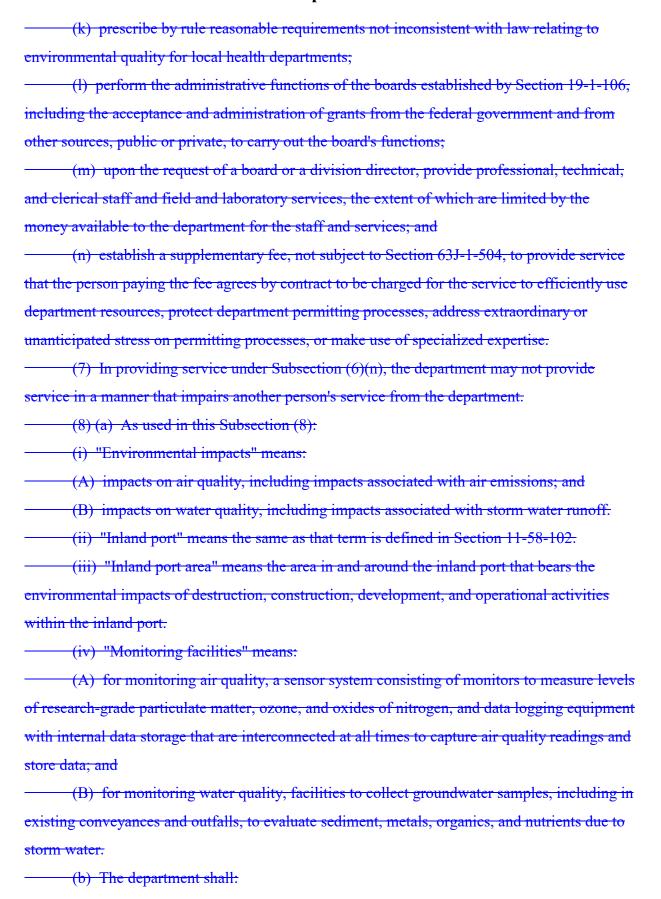
  (a) enter into cooperative agreements with the Department of Health and Human

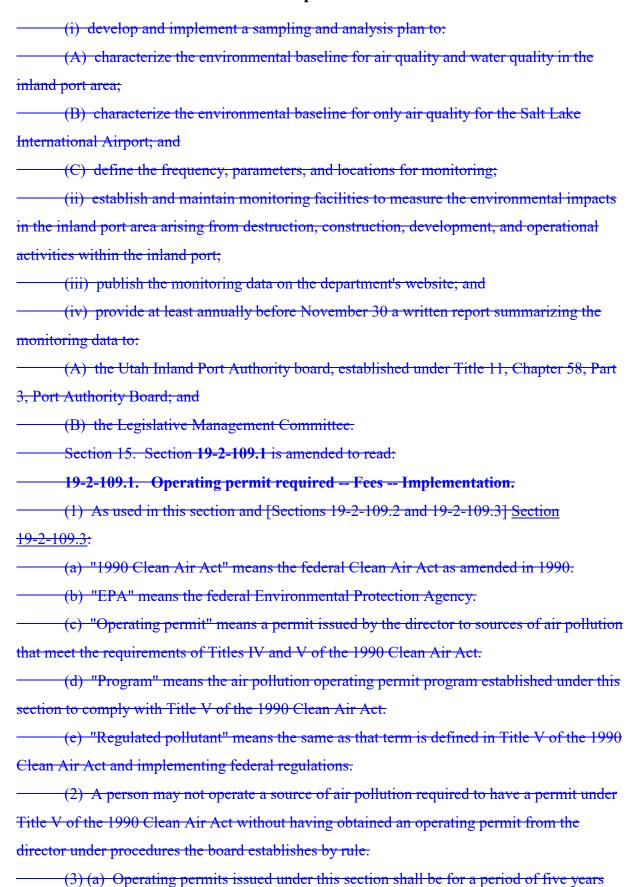
  Services to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;











unless the director makes a written finding, after public comment and hearing, and based on substantial evidence in the record, that an operating permit term of less than five years is necessary to protect the public health and the environment of the state. (b) The director may issue, modify, or renew an operating permit only after providing public notice, an opportunity for public comment, and an opportunity for a public hearing. (c) The director shall, in conformity with the 1990 Clean Air Act and implementing federal regulations, revise the conditions of issued operating permits to incorporate applicable federal regulations in conformity with Section 502(b)(9) of the 1990 Clean Air Act, if the remaining period of the permit is three or more years. (d) The director may terminate, modify, revoke, or reissue an operating permit for cause. (4) If the owner or operator of a source subject to this section fails to timely pay a fee established under Subsection 19-1-201(1)(f), the director may: (a) impose a penalty of not more than 50% of the fee, in addition to the fee, plus interest on the fee computed at 12% annually; or (b) revoke the operating permit. (5) The owner or operator of a source subject to this section may contest a fee assessment or associated penalty in an adjudicative hearing under the Title 63G, Chapter 4, Administrative Procedures Act, and Section 19-1-301, as provided in this Subsection (5). (a) The owner or operator shall pay the fee under protest before being entitled to a hearing. Payment of a fee or penalty under protest is not a waiver of the right to contest the fee or penalty under this section. (b) A request for a hearing under this Subsection (5) shall be made after payment of the fee and within six months after the fee was due. (6) To reinstate an operating permit revoked under Subsection (4) the owner or operator shall pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and interest on the outstanding fees computed at 12% annually. (7) Failure of the director to act on an operating permit application or renewal is a final administrative action only for the purpose of obtaining judicial review by any of the following persons to require the director to take action on the permit or the permit's renewal without

additional delay:

- (a) the applicant;
  - (b) a person who participated in the public comment process; or
  - (c) a person who could obtain judicial review of that action under applicable law.
  - Section 16. Section 26-1-2 is amended to read:

#### <del>}</del> 26-1-2. Definitions.

As used in this title:

- [(1) "Council" means the Utah Health Advisory Council.]
- [(2)] (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- [(3)] (2) "Executive director" means the executive director of the department appointed under Section 26B-1-203.
- [(4)] (3) "Public health authority" means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under a grant of authority from or contract with such an agency, that is responsible for public health matters as part of its official mandate.

Section  $\frac{117}{4}$ . Section 26-39-102 is amended to read:

#### **26-39-102.** Definitions.

As used in this chapter:

- [(1) "Advisory committee" means the Residential Child Care Licensing Advisory Committee created in Section 26B-1-204.]
- [(2)] (1) "Capacity limit" means the maximum number of qualifying children that a regulated provider may care for at any given time, in accordance with rules made by the department.
- [(3)] (2) (a) "Center based child care" means child care provided in a facility or program that is not the home of the provider.
  - (b) "Center based child care" does not include:
  - (i) residential child care; or
  - (ii) care provided in a facility or program exempt under Section 26-39-403.
- [(4)] (3) "Certified provider" means a person who holds a certificate from the department under Section 26-39-402.
  - [(5)] (4) "Child care" means continuous care and supervision of a qualifying child, that

is:

- (a) in lieu of care ordinarily provided by a parent in the parent's home;
- (b) for less than 24 hours a day; and
- (c) for direct or indirect compensation.
- [(6)] (5) "Child care program" means a child care facility or program operated by a regulated provider.
- [<del>(7)</del>] <u>(6)</u> "Exempt provider" means a person who provides care described in Subsection 26-39-403(2).
- [<del>(8)</del>] (7) "Licensed provider" means a person who holds a license from the department under Section 26-39-401.
- [(9)] (8) "Licensing committee" means the Child Care [Center] Provider Licensing Committee created in Section 26B-1-204.
  - [(10)] (9) "Public school" means:
  - (a) a school, including a charter school, that:
  - (i) is directly funded at public expense; and
- (ii) provides education to qualifying children for any grade from first grade through twelfth grade; or
  - (b) a school, including a charter school, that provides:
- (i) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense; and
- (ii) education to qualifying children for any grade from first grade through twelfth grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly funded at public expense.
  - [(11)] (10) "Qualifying child" means an individual who is:
  - (a) (i) under the age of 13 years old; or
  - (ii) under the age of 18 years old, if the person has a disability; and
  - (b) a child of:
  - (i) a person other than the person providing care to the child;
  - (ii) a regulated provider, if the child is under the age of four; or
- (iii) an employee or owner of a licensed child care center, if the child is under the age of four.

- [(12)] (11) "Regulated provider" means a licensed provider or certified provider.
- [(13)] (12) "Residential child care" means child care provided in the home of the provider.

Section  $\frac{\{18\}}{5}$ . Section **26-39-200** is amended to read:

#### 26-39-200. Child Care Provider Licensing Committee.

- (1) (a) The licensing committee shall be comprised of [seven] {eleven} 12 members appointed by the governor and approved by the Senate in accordance with this subsection.
  - (b) The governor shall appoint \{\text{\text{three}}\{\text{two}\}\} members who:
- (i) have at least five years of experience as an owner in or director of a for profit or not-for-profit center based child care; and
- (ii) hold an active license as a child care center from the department to provide center based child care.
- (c) The governor shall appoint two members who hold an active license as a residential child care provider and one member who is a certified residential child care provider.
  - [(c)] (d) (i) The governor shall appoint one member to represent each of the following:
  - (A) a parent with a child in a licensed center based child care facility;
  - (B) a parent with a child in a residential based child care facility;
  - [(B)] (C) a child development expert from the state system of higher education;
- [(C)] (D) except as provided in Subsection [(1)(e)] (1)(f), a pediatrician licensed in the state; [and]
  - (E) a health care provider; and
  - [(D)] (F) an architect licensed in the state.
- (ii) Except as provided in Subsection  $[\frac{(1)(c)(i)(B)}{(1)(d)(i)(C)}$ , a member appointed under Subsection  $[\frac{(1)(c)(i)}{(1)(d)(i)}]$  may not be an employee of the state or a political subdivision of the state.
- [(d)] (e) At least one member described in Subsection (1)(b) shall at the time of appointment reside in a county that is not a county of the first class.
- [(e)] (f) For the appointment described in Subsection [ $\frac{(1)(c)(i)(C)}{(1)(d)(i)(D)}$ , the governor may appoint a health care professional who specializes in pediatric health if:
  - (i) the health care professional is licensed under:
  - (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse

#### practitioner; or

- (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and
- (ii) before appointing a health care professional under this Subsection [(1)(e)] (1)(f), the governor:
- (A) sends a notice to a professional physician organization in the state regarding the opening for the appointment described in Subsection [(1)(e)(i)(C)] (1)(d)(i)(D); and
- (B) receives no applications from a pediatrician who is licensed in the state for the appointment described in Subsection [(1)(c)(i)(C)] (1)(d)(i)(D) within 90 days after the day on which the governor sends the notice described in Subsection [(1)(e)(ii)(A)] (1)(f)(ii)(A).
- (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the governor shall appoint each new member or reappointed member to a four-year term ending June 30.
- (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the licensing committee is appointed every two years.
- (c) Upon the expiration of the term of a member of the licensing committee, the member shall continue to hold office until a successor is appointed and qualified.
  - (d) A member may not serve more than two consecutive terms.
- (e) Members of the licensing committee shall annually select one member to serve as chair who shall establish the agenda for licensing committee meetings.
- (3) When a vacancy occurs in the membership for any reason, the governor, with the advice and consent of the Senate, shall appoint a replacement for the unexpired term.
  - (4) (a) The licensing committee shall meet at least every two months.
  - (b) The director may call additional meetings:
  - (i) at the director's discretion;
  - (ii) upon the request of the chair; or
  - (iii) upon the written request of three or more members.
- (5) [Three] {Six}Seven members of the licensing committee constitute a quorum for the transaction of business.
  - (6) A member appointed under Subsection (1)(b) may not vote on any action proposed

by the licensing committee regarding residential child care.

- (7) A member appointed under Subsection (1)(c) may not vote on any action proposed by the licensing committee regarding center based child care.
- [(6)] (8) A member of the licensing committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Section  $\{19\}$  6. Section 26-39-203 is amended to read:

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

- (1) The licensing committee shall:
- (a) in concurrence with the department and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that govern center based child care <u>and</u> residential child care as necessary to protect qualifying children's common needs for a safe and healthy environment, to provide for:
  - (i) adequate facilities and equipment; and
- (ii) competent caregivers considering the age of the children and the type of program offered by the licensee;
- (b) in concurrence with the department and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of this chapter that govern center based child care <u>and residential child care</u>, in the following areas:
- (i) requirements for applications, the application process, and compliance with other applicable statutes and rules;
- (ii) documentation and policies and procedures that providers shall have in place in order to be licensed, in accordance with Subsection (1);
  - (iii) categories, classifications, and duration of initial and ongoing licenses;
- (iv) changes of ownership or name, changes in licensure status, and changes in operational status;
  - (v) license expiration and renewal, contents, and posting requirements;
  - (vi) procedures for inspections, complaint resolution, disciplinary actions, and other

procedural measures to encourage and assure compliance with statute and rule; and

- (vii) guidelines necessary to assure consistency and appropriateness in the regulation and discipline of licensees;
- (c) advise the department on the administration of a matter affecting center based child care and residential child care;
- (d) advise and assist the department in conducting center based child care provider seminars and residential child care seminars; and
  - (e) perform other duties as provided under Section 26-39-301.
  - (2) (a) The licensing committee may not enforce the rules adopted under this section.
- (b) The department shall enforce the rules adopted under this section in accordance with Section 26-39-301.

Section  $\frac{20}{7}$ . Section **26B-1-204** is amended to read:

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

- (1) The executive director shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not inconsistent with law for:
  - (a) the administration and government of the department;
  - (b) the conduct of the department's employees; and
- (c) the custody, use, and preservation of the records, papers, books, documents, and property of the department.
- (2) The following policymaking boards, councils, and committees are created within the Department of Health and Human Services:
  - (a) Board of Aging and Adult Services;
  - (b) Utah State Developmental Center Board;
  - [(c) Health Advisory Council;]
  - [(d)] (c) Health Facility Committee;
  - [(e)](d) State Emergency Medical Services Committee;
  - [<del>(f)</del>] <u>(e)</u> Air Ambulance Committee;
  - [(g)] (f) Health Data Committee;
- [(h)] (g) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

- (i) Residential Child Care Licensing Advisory Committee;
- [(i)] (ti)h Child Care [Center] Provider Licensing Committee;
- [(k)] (fi)i) Primary Care Grant Committee;
- [(1)] (1) Adult Autism Treatment Program Advisory Committee;
- [(m)] ( Youth Electronic Cigarette, Marijuana, and Other Drug Prevention

#### Committee; and

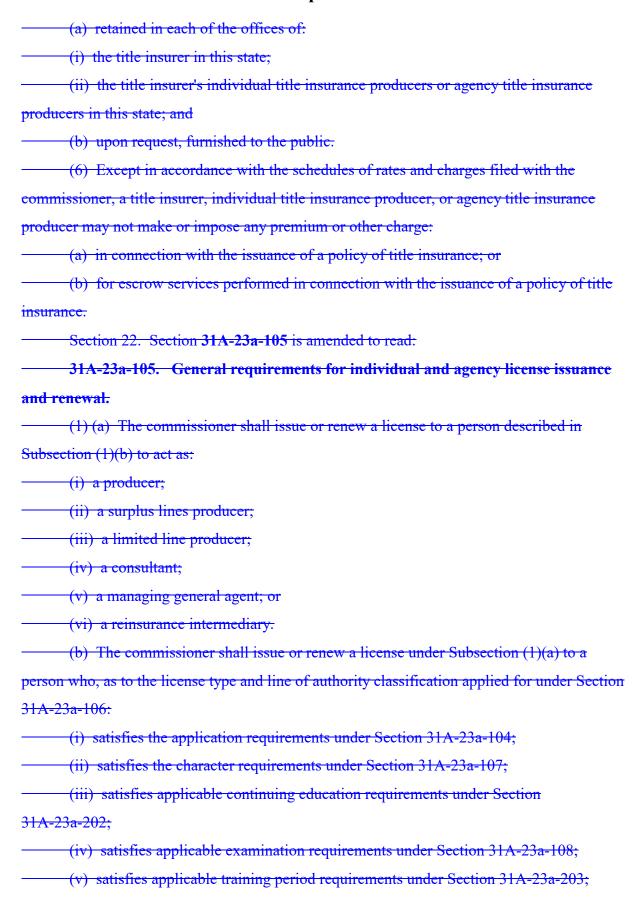
- $[\frac{n}{m}]$  any boards, councils, or committees that are created by statute in:
- (i) this title;
- (ii) Title 26, Utah Health Code; or
- (iii) Title 62A, Utah Human Services Code.
- (3) The following divisions are created within the Department of Health and Human Services:
  - (a) relating to operations:
  - (i) the Division of Finance and Administration;
  - (ii) the Division of Licensing and Background Checks;
  - (iii) the Division of Customer Experience;
  - (iv) the Division of Data, Systems, and Evaluation; and
  - (v) the Division of Continuous Quality Improvement;
  - (b) relating to healthcare administration:
  - (i) the Division of Integrated Healthcare, which shall include responsibility for:
  - (A) the state's medical assistance programs; and
- (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse and Mental Health Act;
  - (ii) the Division of Aging and Adult Services; and
  - (iii) the Division of Services for People with Disabilities; and
  - (c) relating to community health and well-being:
  - (i) the Division of Child and Family Services;
  - (ii) the Division of Family Health;
  - (iii) the Division of Population Health;
  - (iv) the Division of Juvenile Justice and Youth Services; and
  - (v) the Office of Recovery Services.

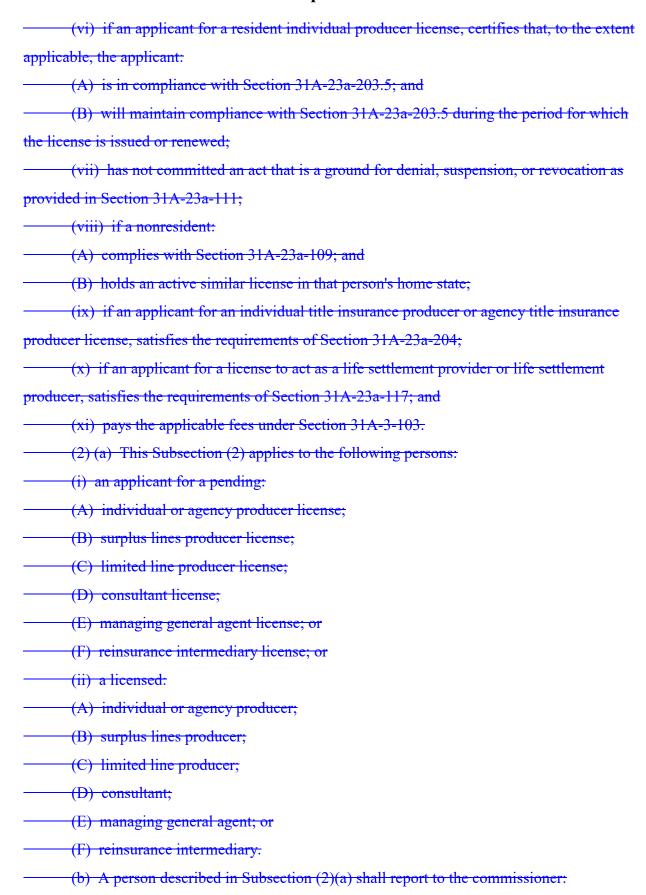
- (4) The executive director may establish offices and bureaus to facilitate management of the department as required by, and in accordance with:
  - (a) this title;
  - (b) Title 26, Utah Health Code; and
  - (c) Title 62A, Utah Human Services Code.
- (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the organizational structure relating to the department, including the organization of the department's divisions and offices, notwithstanding the organizational structure described in:
  - (a) this title;
  - (b) Title 26, Utah Health Code; or
  - (c) Title 62A, Utah Human Services Code.

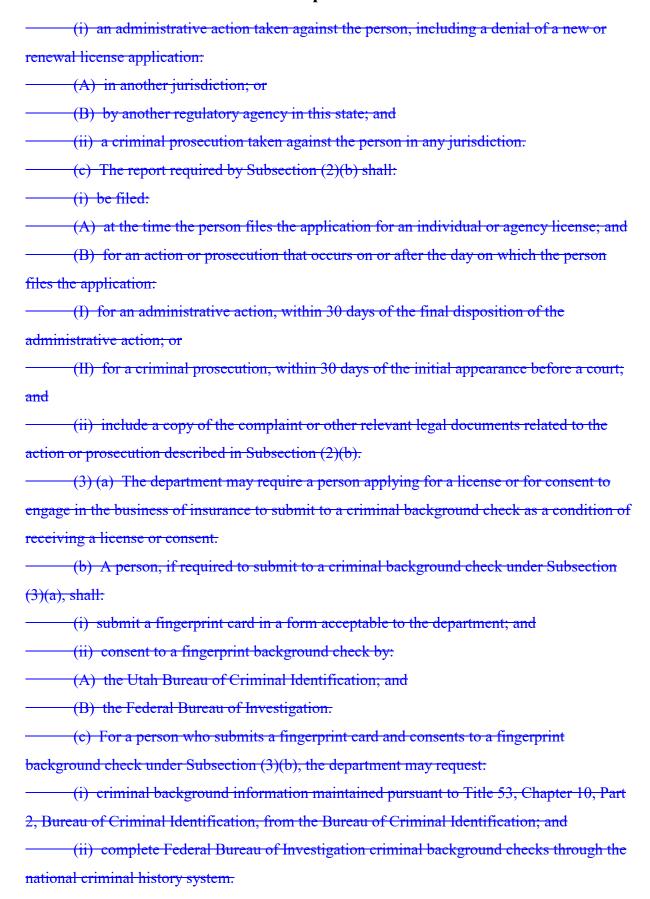
Section  $\frac{\{21\}8}{8}$ . Section  $\frac{\{31A-19a-209\}58-49-2}{58}$  is amended to read:

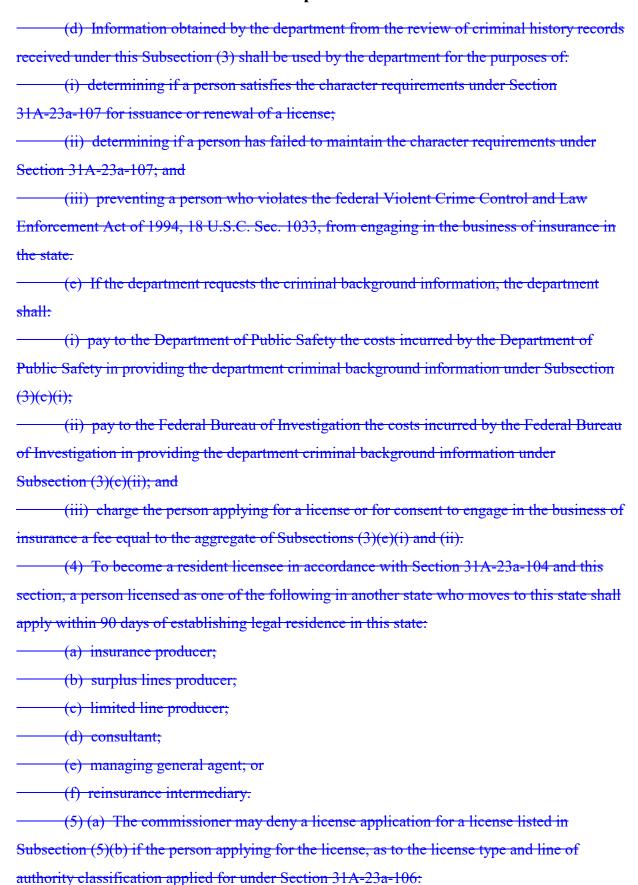
- **31A-19a-209.** Special provisions for title insurance.
- (1) (a) (i) The [Title and Escrow Commission] <u>commissioner</u> shall adopt rules subject to Section [31A-2-404] <u>31A-2-201</u>, establishing rate standards and rating methods for individual title insurance producers and agency title insurance producers.
- (ii) The commissioner shall determine compliance with rate standards and rating methods for title insurers, individual title insurance producers, and agency title insurance producers.
- (b) In addition to the considerations in determining compliance with rate standards and rating methods as set forth in Sections 31A-19a-201 and 31A-19a-202, including for title insurers, the commissioner [and the Title and Escrow Commission] shall consider the costs and expenses incurred by title insurers, individual title insurance producers, and agency title insurance producers peculiar to the business of title insurance including:
  - (i) the maintenance of title plants; and
- (ii) the examining of public records to determine insurability of title to real redevelopment property.
- (2) (a) A title insurer, an agency title insurance producer, or an individual title insurance producer who is not an employee of a title insurer or who is not designated by an agency title insurance producer shall file with the commissioner:
- (i) a schedule of the escrow charges that the title insurer, individual title insurance

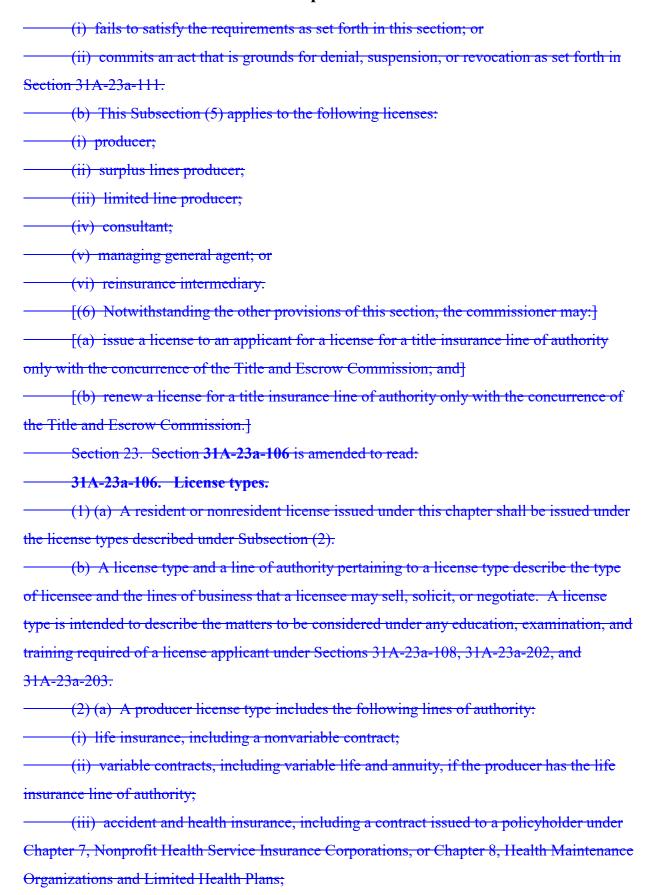
producer, or agency title insurance producer proposes to use in this state for services performed in connection with the issuance of policies of title insurance; and (ii) any changes to the schedule of the escrow charges described in Subsection (2)(a)(i). [(b) Except for a schedule filed by a title insurer under this Subsection (2), a schedule filed under this Subsection (2) is subject to review by the Title and Escrow Commission.] [(c)] (b) (i) The schedule of escrow charges required to be filed by Subsection (2)(a)(i) takes effect on the day on which the schedule of escrow charges is filed. (ii) Any changes to the schedule of the escrow charges required to be filed by Subsection (2)(a)(ii) take effect on the day specified in the change to the schedule of escrow charges except that the effective date may not be less than 30 calendar days after the day on which the change to the schedule of escrow charges is filed. (3) A title insurer, individual title insurance producer, or agency title insurance producer may not file or use any rate or other charge relating to the business of title insurance, including rates or charges filed for escrow that would cause the title insurance company, individual title insurance producer, or agency title insurance producer to: (a) operate at less than the cost of doing: (i) the insurance business; or (ii) the escrow business; or (b) fail to adequately underwrite a title insurance policy. (4) (a) All or any of the schedule of rates or schedule of charges, including the schedule of escrow charges, may be changed or amended at any time, subject to the limitations in this Subsection (4). (b) Each change or amendment shall: (i) be filed with the commissioner[, subject to review by the Title and Escrow Commission]; and (ii) state the effective date of the change or amendment, which may not be less than 30 calendar days after the day on which the change or amendment is filed. (c) Any change or amendment remains in force for a period of at least 90 calendar days from the change or amendment's effective date. (5) While the schedule of rates and schedule of charges are effective, a copy of each shall be:

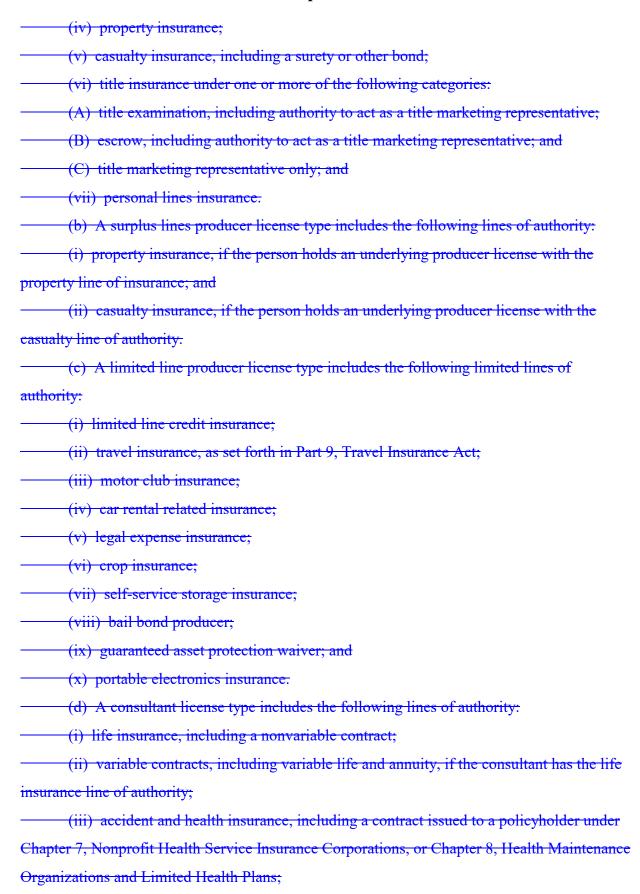


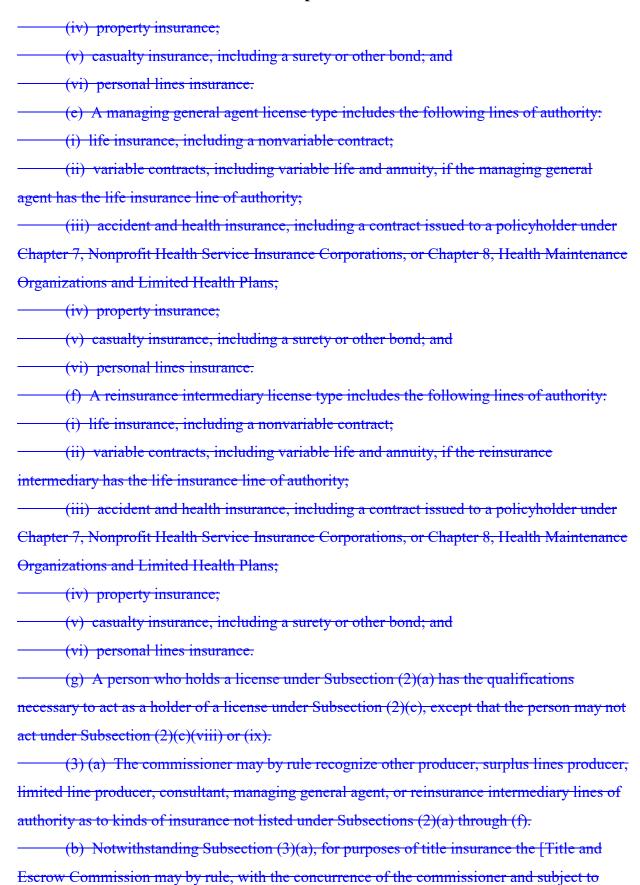




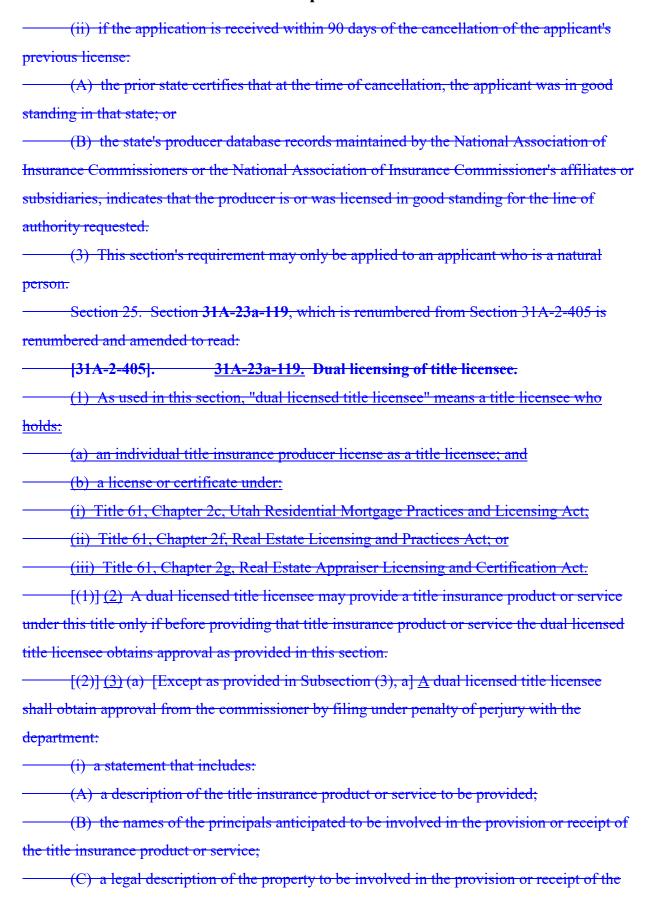






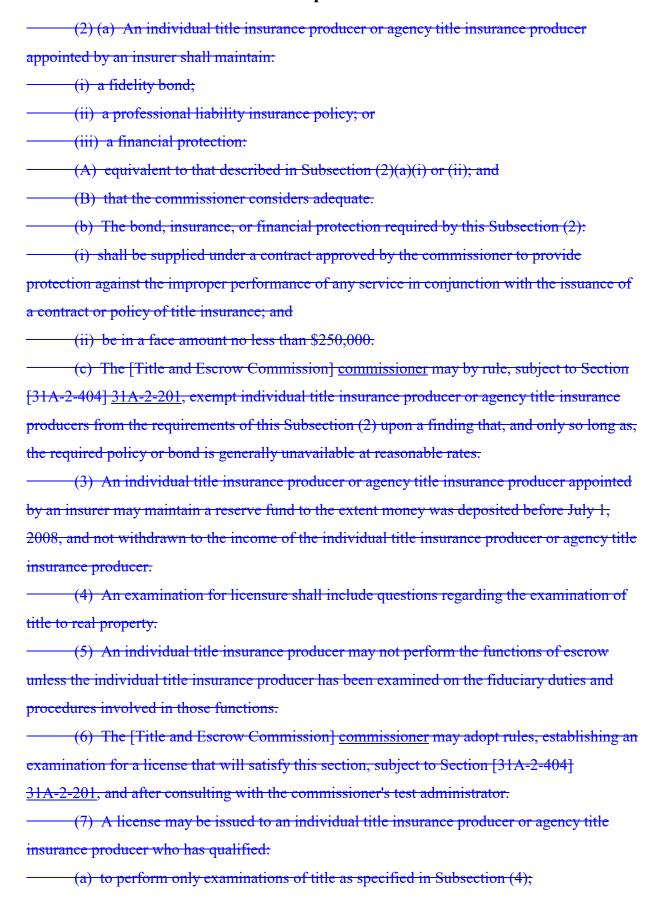


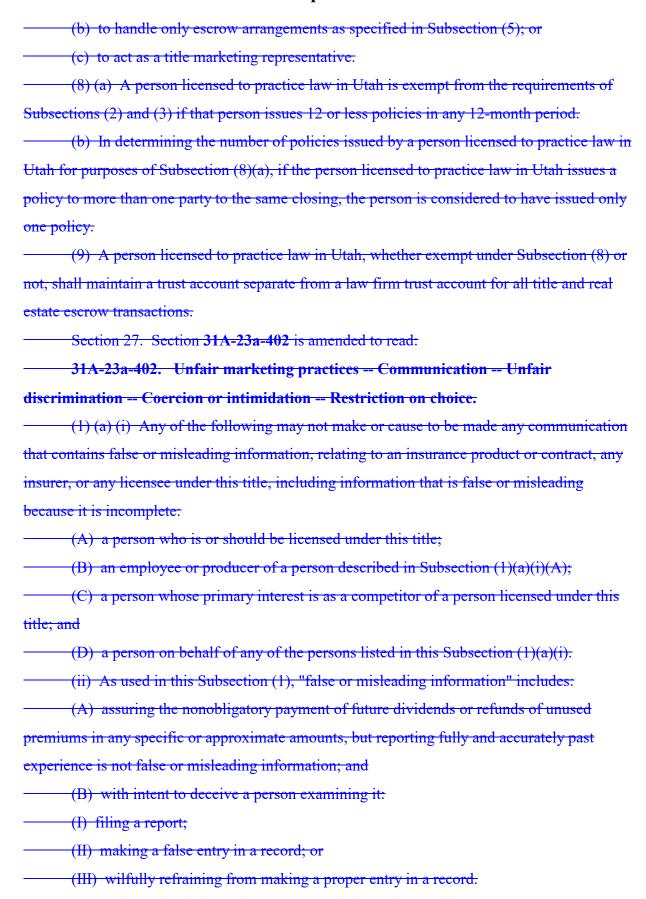
Section 31A-2-404] commissioner may by rule, subject to Section 31A-2-201, recognize other categories for an individual title insurance producer or agency title insurance producer line of authority not listed under Subsection (2)(a)(vi). (4) The variable contracts line of authority requires: (a) for a producer, licensure by the Financial Industry Regulatory Authority as a: (i) registered broker-dealer; or (ii) broker-dealer agent, with a current registration with a broker-dealer; and (b) for a consultant, registration with the Securities and Exchange Commission or licensure by the Utah Division of Securities as an: (i) investment adviser; or (ii) investment adviser representative, with a current association with an investment adviser. (5) A surplus lines producer is a producer who has a surplus lines license. Section 24. Section 31A-23a-108 is amended to read: 31A-23a-108. Examination requirements. (1) (a) The commissioner may require an applicant for a particular license type under Section 31A-23a-106 to pass a line of authority examination as a requirement for a license, except that an examination may not be required of an applicant for: (i) a license under Subsection 31A-23a-106(2)(c); or (ii) another limited line license line of authority recognized by the commissioner [or the Title and Escrow Commission] by rule as provided in Subsection 31A-23a-106(3). (b) The examination described in Subsection (1)(a): (i) shall reasonably relate to the line of authority for which it is prescribed; and (ii) may be administered by the commissioner or as otherwise specified by rule. (2) The commissioner shall waive the requirement of an examination for a nonresident applicant who: (a) applies for an insurance producer license in this state within 90 days of establishing legal residence in this state; (b) has been licensed for the same line of authority in another state; and (c) (i) is licensed in the state described in Subsection (2)(b) at the time the applicant applies for an insurance producer license in this state; or

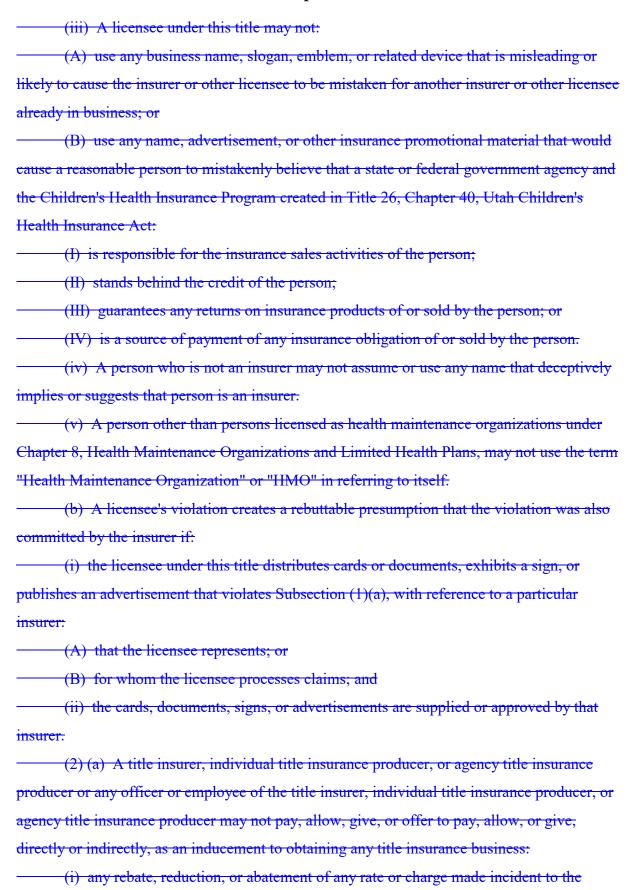


title insurance product or service; (D) whether or not the dual licensed title licensee received any consideration from a person described in Subsection [(2)(a)(i)(B)] (3)(a)(i)(B) within 18 months prior to the day on which the dual licensed title licensee files the statement; and (E) any other information the [commission] commissioner requires by rule made in accordance with this section and Section [31A-2-404] 31A-2-201; and (ii) the fee applicable under Section 31A-3-103. (b) The commissioner shall approve the provision of a title insurance product or service under this section if the commissioner finds that the dual licensed title licensee: (i) completed the filing required by Subsection [(2)(a)] (3)(a); (ii) is acting in good faith; and (iii) has not received consideration from a person described in Subsection [(2)(a)(i)(B)] (3)(a)(i)(B) within the 18-month period described in Subsection [(2)(a)(i)(D)] (3)(a)(i)(D). (c) If the commissioner does not deny approval under this section, the commissioner is considered to have approved the provision of the title insurance product or service the earlier of: (i) the day on which the commissioner issues the commissioner's approval in writing; 01 (ii) 15 days after the day on which the dual licensed title licensee completes the filing under Subsection [(2)(a)] (3)(a). [(3) Notwithstanding Subsection (2), a dual licensed title licensee may obtain approval from the chair of the commission if: - [(a) the dual licensed title licensee completes the filing under Subsection (2)(a);] [(b) the dual licensed title licensee establishes a need for expedited approval; and] [(c) the chair of the commission issues approval in writing after making the findings described in Subsection (2)(b).] (4) The commissioner shall revoke the license under this title of a dual licensed title licensee if the dual licensed title licensee: (a) provides a title insurance product or service without the approval required by this section; or (b) knowingly provides false or misleading information in the statement required by

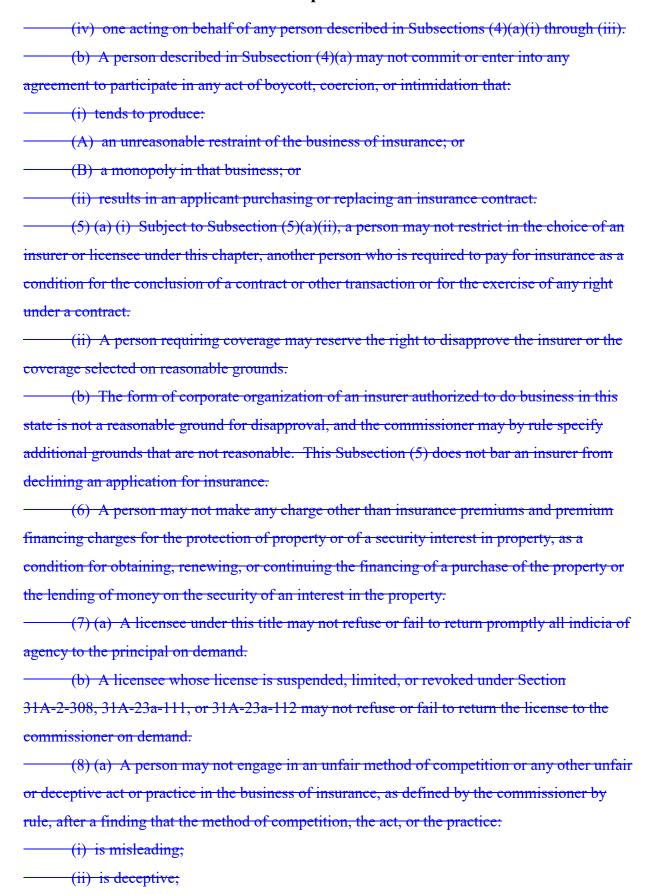
# Subsection [(2)](3). (5) The [commission] commissioner may make rules, subject to Section [31A-2-404] 31A-2-201, to implement the filing requirements under Subsection [(2)] (3), including the definition of terms. Section 26. Section 31A-23a-204 is amended to read: 31A-23a-204. Special requirements for title insurance producers and agencies. An individual title insurance producer or agency title insurance producer shall be licensed in accordance with this chapter, with the additional requirements listed in this section. (1) (a) A person that receives a new license under this title as an agency title insurance producer shall at the time of licensure be owned or managed by at least one individual who is licensed for at least three of the five years immediately preceding the date on which the agency title insurance producer applies for a license with both: (i) a title examination line of authority; and (ii) an escrow line of authority. (b) An agency title insurance producer subject to Subsection (1)(a) may comply with Subsection (1)(a) by having the agency title insurance producer owned or managed by: (i) one or more individuals who are licensed with the title examination line of authority for the time period provided in Subsection (1)(a); and (ii) one or more individuals who are licensed with the escrow line of authority for the time period provided in Subsection (1)(a). (c) A person licensed as an agency title insurance producer shall at all times during the term of licensure be owned or managed by at least one individual who is licensed for at least three years within the preceding five-year period with both: (i) a title examination line of authority; and (ii) an escrow line of authority. (d) The [Title and Escrow Commission] commissioner may by rule, subject to Section [31A-2-404] 31A-2-201, exempt an attorney with real estate experience from the experience requirements in Subsection (1)(a). (e) An individual who satisfies the requirements of this Subsection (1) is known as a "qualifying licensee." At any given time, an individual may be a qualifying licensee for not more than two agency title insurance producers.

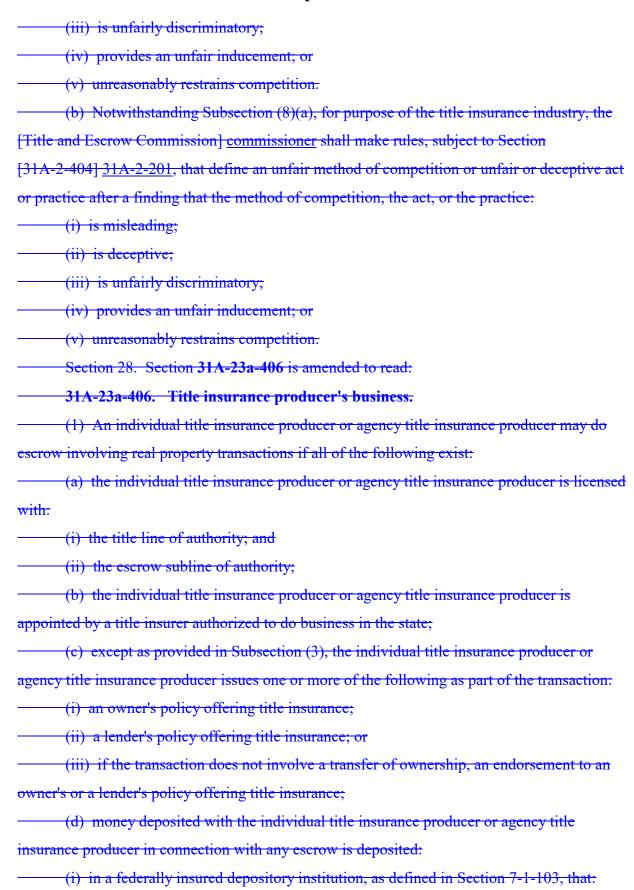


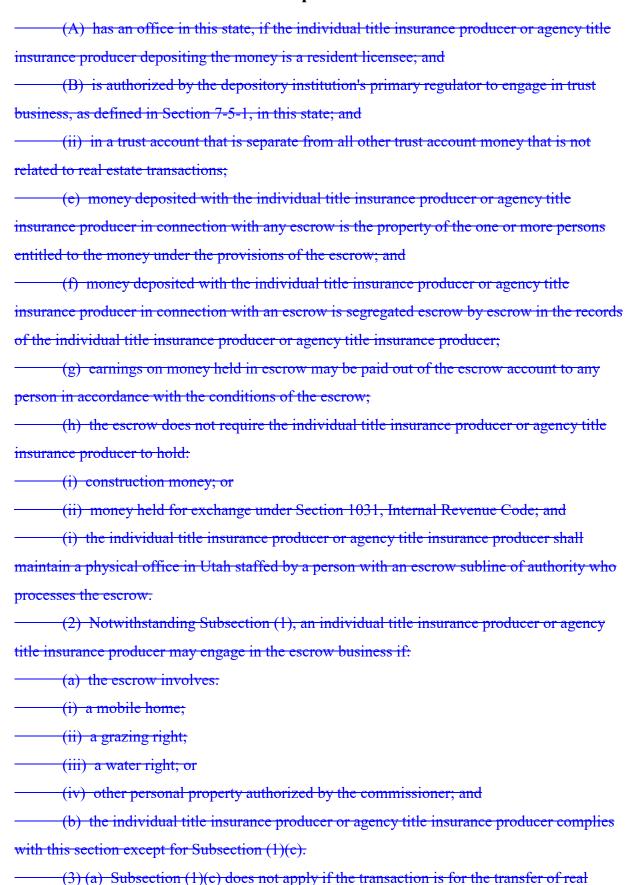




issuance of the title insurance;
(ii) any special favor or advantage not generally available to others;
(iii) any money or other consideration, except if approved under Section [31A-2-405]
<u>31A-23a-119; or</u>
(iv) material inducement.
(b) "Charge made incident to the issuance of the title insurance" includes escrow
charges, and any other services that are prescribed in rule by the [Title and Escrow
Commission after consultation with the] commissioner and subject to Section [31A-2-404]
<u>31A-2-201</u> .
(c) An insured or any other person connected, directly or indirectly, with the
transaction may not knowingly receive or accept, directly or indirectly, any benefit referred to
in Subsection (2)(a), including:
(i) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices
and Licensing Act;
(ii) a person licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices
Act;
(iii) a builder;
(iv) an attorney; or
(v) an officer, employee, or agent of a person listed in this Subsection (2)(c)(iii).
(3) (a) An insurer may not unfairly discriminate among policyholders by charging
different premiums or by offering different terms of coverage, except on the basis of
classifications related to the nature and the degree of the risk covered or the expenses involved
(b) Rates are not unfairly discriminatory if they are averaged broadly among persons
insured under a group, blanket, or franchise policy, and the terms of those policies are not
unfairly discriminatory merely because they are more favorable than in similar individual
policies.
(4) (a) This Subsection (4) applies to:
(i) a person who is or should be licensed under this title;
(ii) an employee of that licensee or person who should be licensed;
(iii) a person whose primary interest is as a competitor of a person licensed under this
title; and





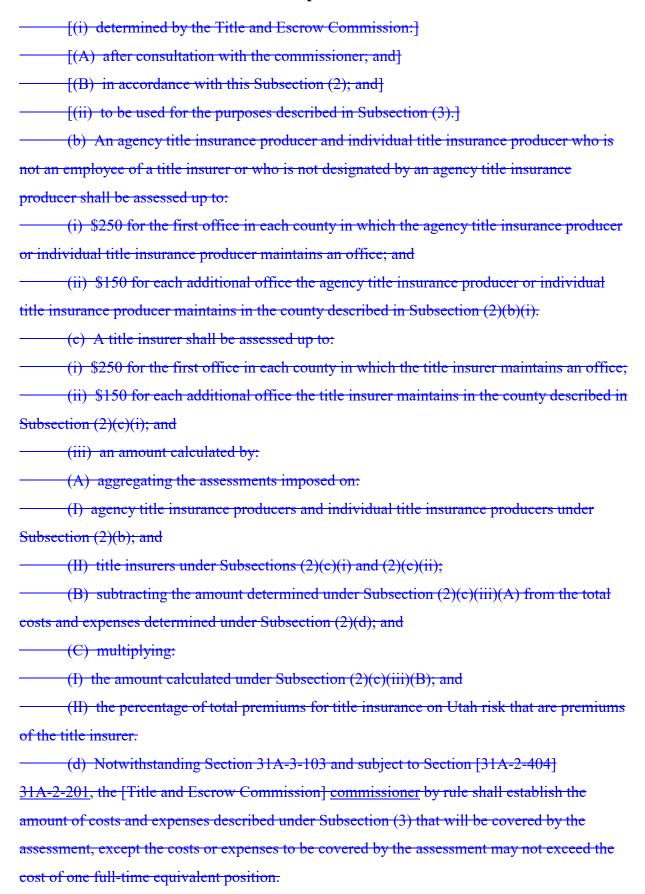


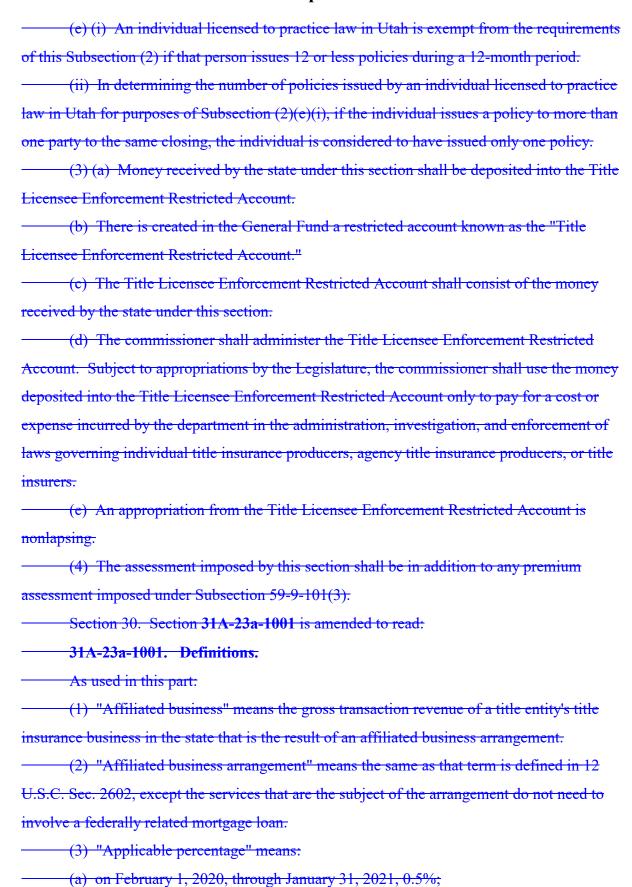
property from the School and Institutional Trust Lands Administration. (b) This subsection does not prohibit an individual title insurance producer or agency title insurance producer from issuing a policy described in Subsection (1)(c) as part of a transaction described in Subsection (3)(a). (4) Money held in escrow: (a) is not subject to any debts of the individual title insurance producer or agency title insurance producer; (b) may only be used to fulfill the terms of the individual escrow under which the money is accepted; and (c) may not be used until the conditions of the escrow are met. (5) Assets or property other than escrow money received by an individual title insurance producer or agency title insurance producer in accordance with an escrow shall be maintained in a manner that will: (a) reasonably preserve and protect the asset or property from loss, theft, or damages; and (b) otherwise comply with the general duties and responsibilities of a fiduciary or bailee. (6) (a) A check from the trust account described in Subsection (1)(d) may not be drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account from which money is to be disbursed contains a sufficient credit balance consisting of collected and cleared money at the time the check is drawn, executed, or dated, or money is otherwise disbursed. (b) As used in this Subsection (6), money is considered to be "collected and cleared," and may be disbursed as follows: (i) cash may be disbursed on the same day the cash is deposited; (ii) a wire transfer may be disbursed on the same day the wire transfer is deposited; and (iii) the proceeds of one or more of the following financial instruments may be disbursed on the same day the financial instruments are deposited if received from a single party to the real estate transaction and if the aggregate of the financial instruments for the real estate transaction is less than \$10,000: (A) a cashier's check, certified check, or official check that is drawn on an existing

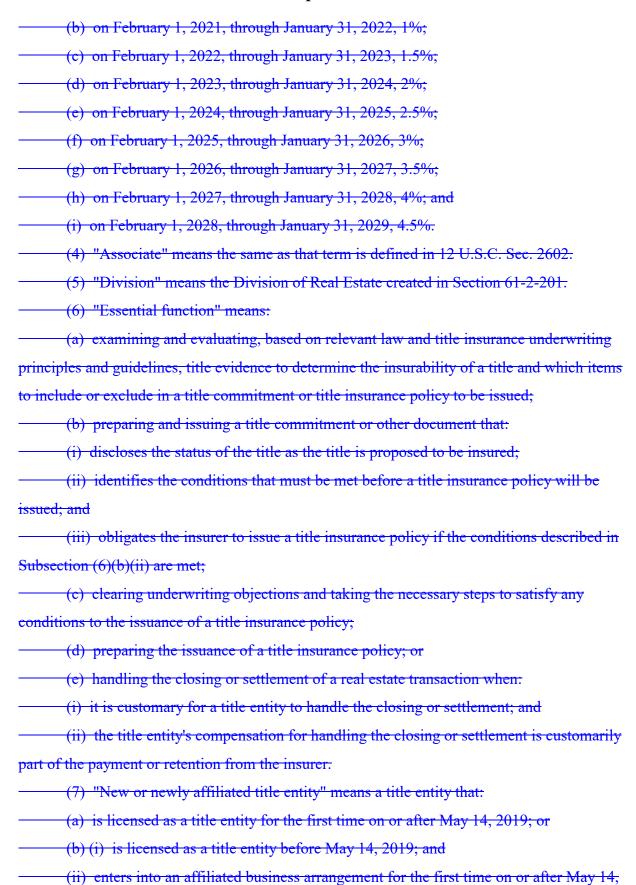
account at a federally insured financial institution;

(B) a check drawn on the trust account of a principal broker or associate broker
licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, if the individual
title insurance producer or agency title insurance producer has reasonable and prudent grounds
to believe sufficient money will be available from the trust account on which the check is
drawn at the time of disbursement of proceeds from the individual title insurance producer or
agency title insurance producer's escrow account;
(C) a personal check not to exceed \$500 per closing; or
(D) a check drawn on the escrow account of another individual title insurance producer
or agency title insurance producer, if the individual title insurance producer or agency title
insurance producer in the escrow transaction has reasonable and prudent grounds to believe
that sufficient money will be available for withdrawal from the account upon which the check
is drawn at the time of disbursement of money from the escrow account of the individual title
insurance producer or agency title insurance producer in the escrow transaction.
(c) A check or deposit not described in Subsection (6)(b) may be disbursed:
(i) within the time limits provided under the Expedited Funds Availability Act, 12
U.S.C. Sec. 4001 et seq., as amended, and related regulations of the Federal Reserve System; or
(ii) upon notification from the financial institution to which the money has been
deposited that final settlement has occurred on the deposited financial instrument.
(7) An individual title insurance producer or agency title insurance producer shall
maintain a record of a receipt or disbursement of escrow money.
(8) An individual title insurance producer or agency title insurance producer shall
comply with:
(a) Section 31A-23a-409;
(b) Title 46, Chapter 1, Notaries Public Reform Act; and
(c) any rules adopted by the [Title and Escrow Commission] commissioner, subject to
Section [31A-2-404] 31A-2-201, that govern escrows.
(9) If an individual title insurance producer or agency title insurance producer conducts
a search for real estate located in the state, the individual title insurance producer or agency
title insurance producer shall conduct a reasonable search of the public records.
Section 29. Section 31A-23a-415 is amended to read:

31A-23a-415. Assessment on agency title insurance producers or title insurers --Account created. (1) For purposes of this section: (a) "Premium" is as described in Subsection 59-9-101(3). (b) "Title insurer" means a person: (i) making any contract or policy of title insurance as: (A) insurer; (B) guarantor; or (C) surety; (ii) proposing to make any contract or policy of title insurance as: (A) insurer; (B) guarantor; or (C) surety; or (iii) transacting or proposing to transact any phase of title insurance, including: (A) soliciting; (B) negotiating preliminary to execution; (C) executing of a contract of title insurance; (D) insuring; and (E) transacting matters subsequent to the execution of the contract and arising out of the contract. (c) "Utah risks" means insuring, guaranteeing, or indemnifying with regard to real or personal property located in Utah, an owner of real or personal property, the holders of liens or encumbrances on that property, or others interested in the property against loss or damage suffered by reason of: (i) liens or encumbrances upon, defects in, or the unmarketability of the title to the property; or (ii) invalidity or unenforceability of any liens or encumbrances on the property. (2) (a) The commissioner may assess each title insurer, each individual title insurance producer who is not an employee of a title insurer or who is not designated by an agency title insurance producer, and each agency title insurance producer an annual assessment[:], in accordance with this Subsection (2), to be used for the purposes described in Subsection (3).

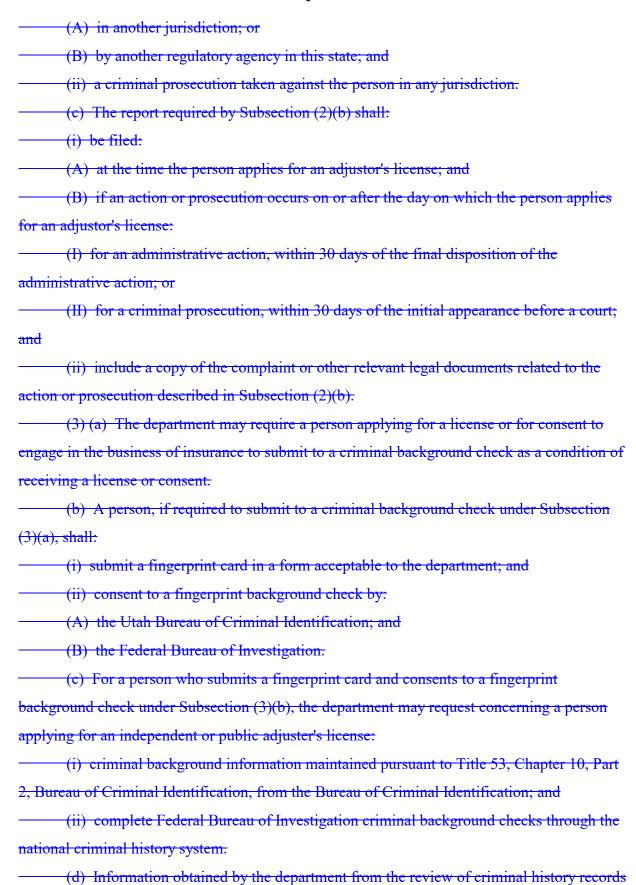






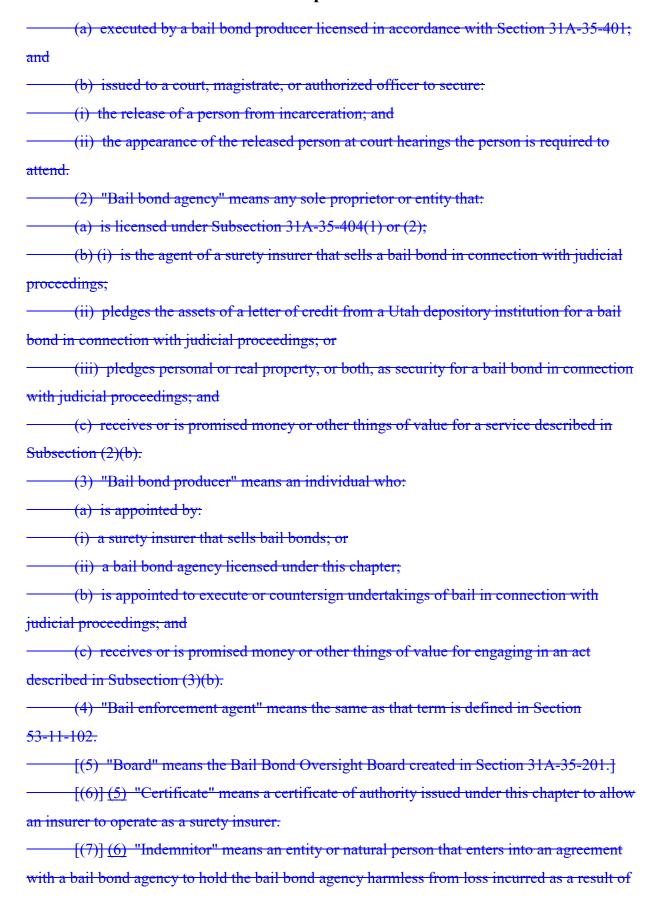
<del>2019.</del>
(8) "Producer" means the same as the term "person who is in a position to refer
settlement service business" is defined in 12 C.F.R. Sec. 1024.15(c).
(9) "RESPA" means the federal Real Estate Settlement Procedures Act, 12 U.S.C. Sec
2601 et seq. and any rules made thereunder.
(10) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules promulgated
thereunder.
(11) "Sufficient capital and net worth" means:
(a) for a new or newly affiliated title entity:
(i) \$100,000 for the first five years after becoming a new or newly affiliated title entity
<del>or</del>
(ii) after the first five years after becoming a new or newly affiliated title entity, the
greater of:
(A) \$50,000; or
(B) on February 1 of each year, an amount equal to 5% of the title entity's average
annual gross revenue over the preceding two calendar years, up to \$150,000; or
(b) for a title entity licensed before May 14, 2019, who is not a new or newly affiliated
title entity:
(i) for the time period beginning on February 1, 2020, and ending on January 31, 2029
the lesser of:
(A) an amount equal to the applicable percentage of the title entity's average annual
gross revenue over the two calendar years immediately preceding the February 1 on which the
applicable percentage first applies; or
(B) \$150,000; and
(ii) beginning on February 1, 2029, the greater of:
(A) \$50,000; or
(B) an amount equal to 5% of the title entity's average annual gross revenue over the
preceding two calendar years, up to \$150,000.
(12) "Title entity" means:
(a) a title licensee as defined in [Section 31A-2-402] this section; or
(b) a title insurer as defined in Section 31A-23a-415.

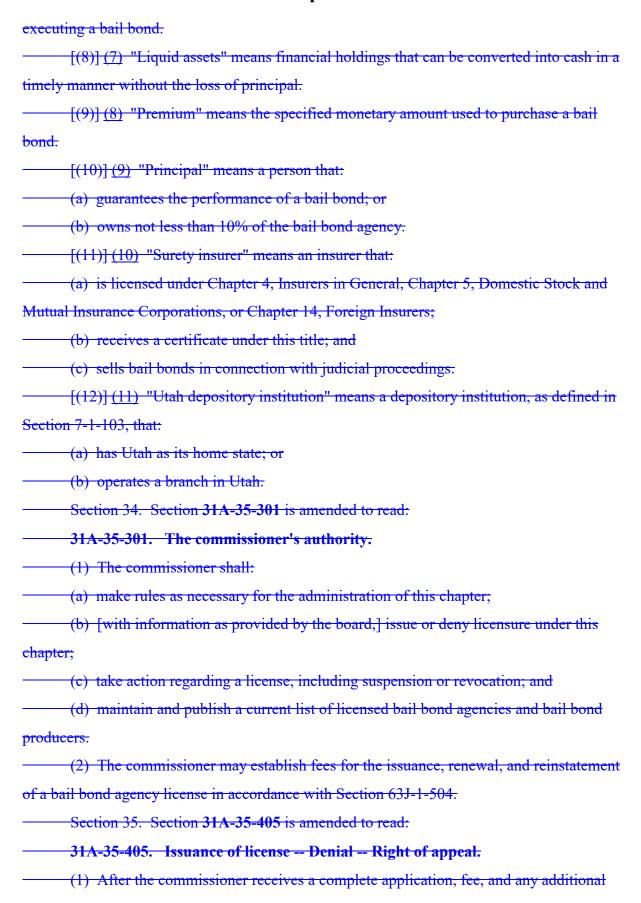
(13) (a) "Title evidence" means a written or electronic document that identifies and
describes or compiles the documents, records, judgments, liens, and other information from the
public records relevant to the history and current condition of a title to be insured.
(b) "Title evidence" does not include a pro forma commitment.
(14) "Title licensee" means:
(a) an agency title insurance producer with a title insurance line of authority;
(b) an individual title insurance producer with:
(i) a general title insurance line of authority; or
(ii) a specific category of authority for title insurance; or
(c) a title insurance adjuster.
Section 31. Section 31A-26-203 is amended to read:
31A-26-203. Adjuster's license required.
(1) The commissioner shall issue a license to act as an independent adjuster or public
adjuster to a person who, as to the license classification applied for under Section 31A-26-204
(a) satisfies the character requirements under Section 31A-26-205;
(b) satisfies the applicable continuing education requirements under Section
<del>31A-26-206;</del>
(c) satisfies the applicable examination requirements under Section 31A-26-207;
(d) has not committed an act that is a ground for denial, suspension, or revocation
provided for in Section 31A-26-213;
(e) if a nonresident, complies with Section 31A-26-208; and
(f) pays the applicable fees under Section 31A-3-103.
(2) (a) This Subsection (2) applies to the following persons:
(i) an applicant for:
(A) an independent adjuster's license; or
(B) a public adjuster's license;
(ii) a licensed independent adjuster; or
(iii) a licensed public adjuster.
(b) A person described in Subsection (2)(a) shall report to the commissioner:
(i) an administrative action taken against the person, including a denial of a new or
renewal license application:



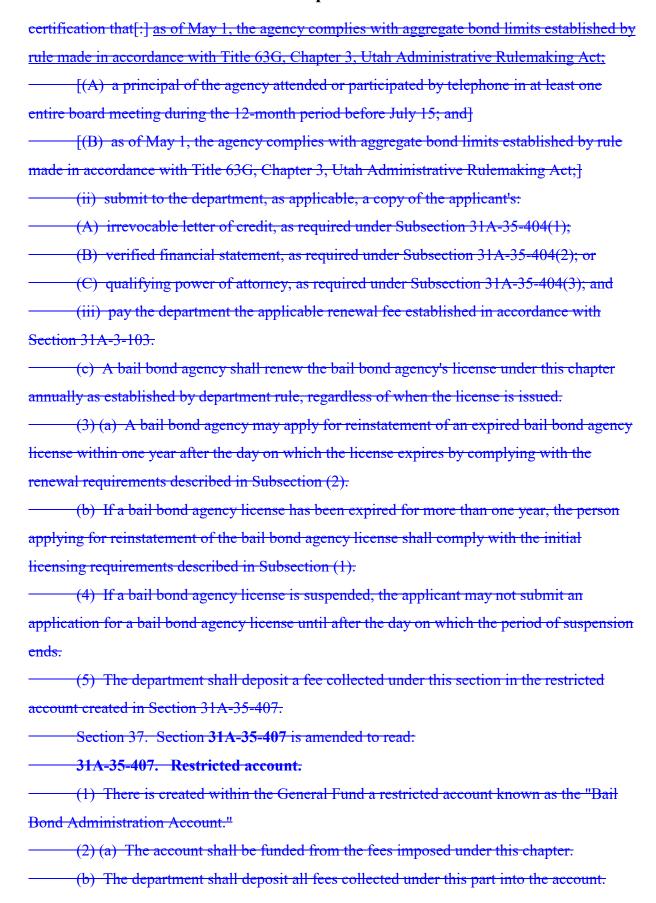
received under this Subsection (3) shall be used by the department for the purposes of: (i) determining if a person satisfies the character requirements under Section 31A-26-205 for issuance or renewal of a license; (ii) determining if a person has failed to maintain the character requirements under Section 31A-26-205; and (iii) preventing a person who violates the federal Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in the state. (e) If the department requests the criminal background information, the department shall: (i) pay to the Department of Public Safety the costs incurred by the Department of Public Safety in providing the department criminal background information under Subsection (3)(c)(i);(ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau of Investigation in providing the department criminal background information under Subsection (3)(c)(ii); and (iii) charge the person applying for a license or for consent to engage in the business of insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii). (4) The commissioner may deny a license application to act as an independent adjuster or public adjuster to a person who, as to the license classification applied for under Section 31A-26-204: (a) fails to satisfy the requirements in this section; or (b) commits an act that is a ground for denial, suspension, or revocation provided for in Section 31A-26-213. [(5) Notwithstanding the other provisions of this section, the commissioner may:] - (a) issue a license to an applicant for a license for a title insurance classification only with the concurrence of the Title and Escrow Commission; or] [(b) renew a license for a title insurance classification only with the concurrence of the Title and Escrow Commission. Section 32. Section 31A-26-204 is amended to read: 31A-26-204. License classifications.

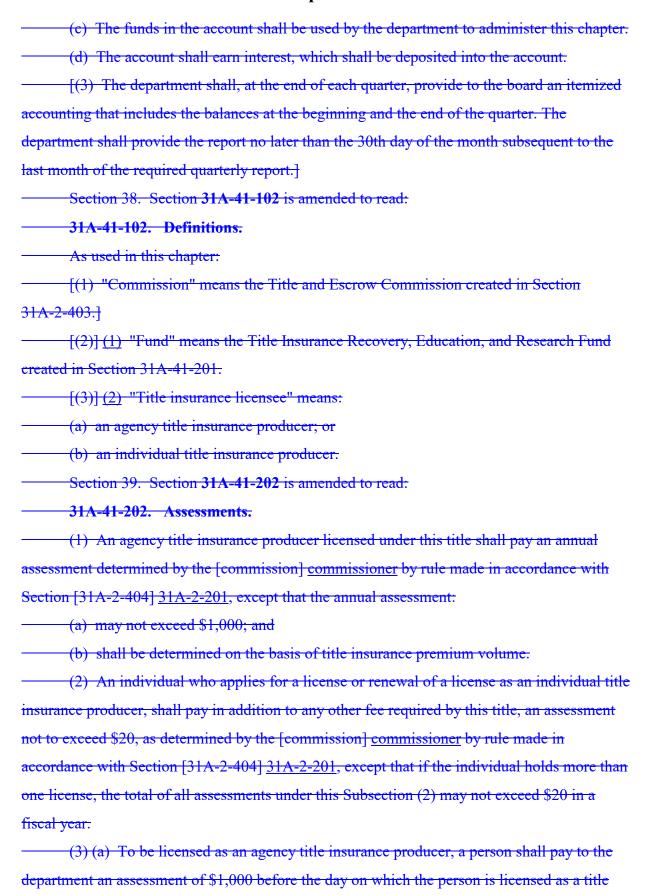
A resident or nonresident license issued under this chapter shall be issued under the
classifications described under Subsections (1), (2), and (3). A classification describes the
matters to be considered under a prerequisite education or examination required of license
applicants under Sections 31A-26-206 and 31A-26-207.
(1) Independent adjuster license classifications include:
(a) accident and health insurance, including related service insurance under Chapter 7,
Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
Organizations and Limited Health Plans;
(b) property and casualty insurance, including a surety or other bond;
(c) crop insurance; and
(d) workers' compensation insurance.
(2) Public adjuster license classifications include:
(a) accident and health insurance, including related service insurance under Chapter 7,
Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
Organizations and Limited Health Plans;
(b) property and casualty insurance, including a surety or other bond;
(c) crop insurance; and
(d) workers' compensation insurance.
(3) [(a)] The commissioner may by rule:
[(i)] (a) recognize other independent adjuster or public adjuster license classifications
as to other kinds of insurance not listed under Subsection (1); and
[(ii)] (b) create license classifications that grant only part of the authority arising under
another license class.
[(b) Notwithstanding Subsection (3)(a), for purpose of title insurance, the Title and
Escrow Commission may make the rules provided for in Subsection (3)(a), subject to Section
<del>31A-2-404.]</del>
Section 33. Section 31A-35-102 is amended to read:
31A-35-102. Definitions.
As used in this chapter:
(1) "Bail bond" means a bail bond insurance product for a specified monetary amount
that is:





information in accordance with Section 31A-35-401, the [board] commissioner shall determine whether the applicant meets the requirements for issuance of a license under this chapter. (2) (a) If the [board] commissioner determines that the applicant meets the requirements for issuance of a license under this chapter, the commissioner shall issue to that person a bail bond agency license. (b) If the [board] commissioner determines that the applicant does not meet the requirements for issuance of a license under this chapter, the commissioner shall make a final determination as to whether to issue a license under this chapter. (3) (a) If the commissioner denies an application for a bail bond agency license under this chapter, the commissioner shall provide prompt written notification of the denial by commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act. (b) An applicant may request a hearing on a denial of an application for a bail bond agency license within 15 days after the day on which the commissioner issues the denial. (c) The commissioner shall hold a hearing no later than 60 days after the day on which the commissioner receives a request for a hearing described in Subsection (3)(b). Section 36. Section 31A-35-406 is amended to read: 31A-35-406. Initial licensing, license renewal, and license reinstatement. (1) An applicant for an initial bail bond agency license shall: (a) complete and submit to the department an application; (b) submit to the department, as applicable, a copy of the applicant's: (i) irrevocable letter of credit, as required under Subsection 31A-35-404(1); (ii) verified financial statement, as required under Subsection 31A-35-404(2); or (iii) qualifying power of attorney, as required under Subsection 31A-35-404(3); and (c) pay the department the applicable renewal fee established in accordance with Section 31A-3-103. (2) (a) A license under this chapter expires annually effective at midnight on August <del>14.</del> (b) To renew a bail bond agency license issued under this chapter, on or before July 15, the bail bond agency shall: (i) complete and submit to the department a renewal application that includes





#### insurance agency.

- (b) (i) The department shall assess on a licensed agency title insurance producer an amount equal to the greater of:
  - (A) \$1,000; or
- (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance producer's reserve account described in Subsection 31A-23a-204(3).
- (ii) The department may assess on an agency title insurance producer an amount less than 2% of the balance described in Subsection (3)(b)(i)(B) if:
- (A) before issuing the assessments under this Subsection (3)(b) the department determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;
- (B) the amount assessed on the agency title insurance producer is not less than \$1,000;
- (C) the department reduces the assessment in a proportionate amount for agency title insurance producers assessed on the basis of the 2% of the balance described in Subsection (3)(b)(i)(B).
- (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay the assessment by no later than August 1.
- (4) The department may not assess a title insurance licensee an assessment for purposes of the fund if that assessment is not expressly provided for in this section.
  - Section 40. Section 58-49-2 is amended to read:

#### **58-49-2.** Definitions.

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

- [(1) "Board" means the Dietitian Board created in Section 58-49-3.]
- [(2)] (1) "Certified dietitian" means a person who is certified by the division as meeting the certification requirements provided in this chapter.
- [(3)] (2) "Commission on Dietetic Registration" means the credentialing component of the American Dietetic Association.
- [(4)] (3) "Dietetics" means the integration and application of principles derived from the sciences of food for the development, management, and provision of dietary services for individuals and groups for meeting their health care needs. "Dietetics" includes:
  - (a) the evaluation of a person's dietary status;

- (b) the advising and education of persons on dietary needs; and
- (c) the evaluation of needs, implementation of systems to support needs, and maintenance of appropriate standards of quality in food and dietary service for individuals, groups, or patients in licensed institutional facilities or in private office settings.
- [(5)] (4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes failing to maintain a level of professional practice consistent with all initial and subsequent requirements by which certification is achieved or maintained under this chapter.

Section  $\frac{41}{9}$ . Section **58-49-4** is amended to read:

#### 58-49-4. Qualifications for certification -- Fee.

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

- (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or university approved by the division at the time the degree was conferred with a major course of study in the sciences of food, dietetics, food systems management, or an equivalent major course of study;
- (2) has completed an internship or preplanned professional baccalaureate or post-baccalaureate experience in a dietetic program under the supervision of a certified dietitian who is certified under this chapter or certified, registered, or licensed under the laws of another state or territory of the United States;
- (3) has satisfactorily passed a competency examination, approved by or given at the direction of the [board in collaboration with the] division; and
- (4) has paid the appropriate fees determined by the Department of Commerce. The fee assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost of services provided.

Section  $\frac{42}{10}$ . Section **58-49-6** is amended to read:

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

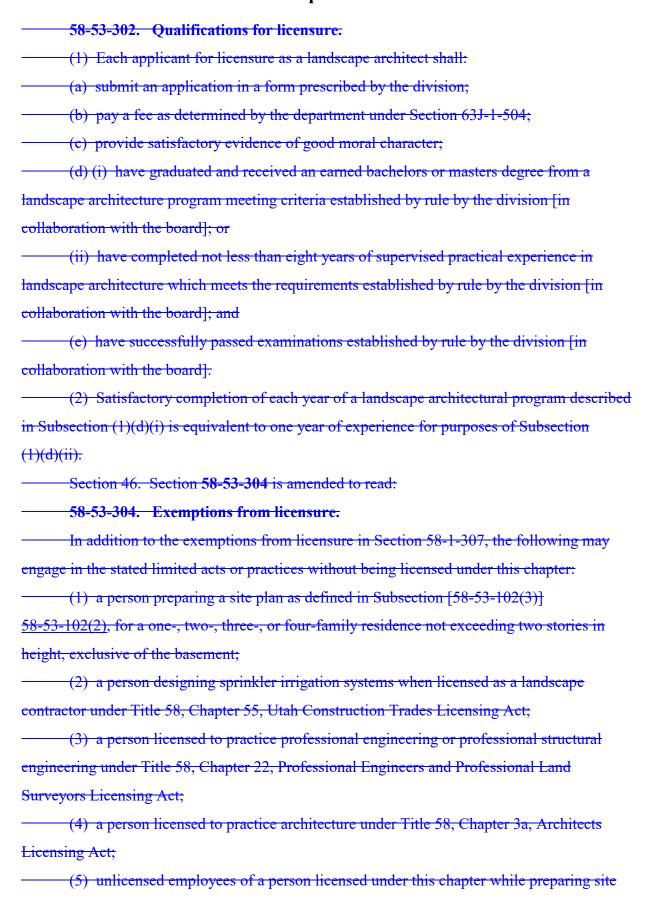
Upon receipt of an application and application fee[, and upon the recommendation of the board,] the division may waive the examination requirement for an applicant who, at the time of application:

(1) holds a valid dietitian license or certificate issued by another state or territory of the

United States, provided his qualifications meet the requirements of this chapter; or (2) is registered by the Commission on Dietetic Registration. Section  $\frac{43}{11}$ . Section  $\frac{58-53-102}{58-71-102}$  is amended to read: 58-53-102. **Definitions.** In addition to the definitions in Section 58-1-102, as used in this chapter: [(1) "Board" means the Landscape Architects Board created in Section 58-53-201.] [(2)] (1) "Fund" means the Landscape Architects Education and Enforcement Fund created in Section 58-53-103. [(3)] (2) "Practice of landscape architecture" means rendering or offering to render any of the following services: (a) production of a site plan which may include the design of any of the following: (i) sprinkler irrigation systems; (ii) landscape grading and drainage plans; or (iii) parking lots; (b) design of any of the following structures incidental to the production of a site plan: (i) retaining walls; or (ii) raised platforms, decks, and walkways; (c) design of any of the following structures incidental to the production of a site plan when the structure does not exceed 1,000 square feet: (i) covered pavilions; (ii) gazebos; (iii) restrooms; (iv) storage and maintenance facilities; or (v) other accessory structures; or (d) collaboration with architects and professional engineers in the design of roads, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which they are to be placed. [(4)] (3) "Principal" means a licensed landscape architect having responsible charge of a landscape architectural practice. [(5)] (4) "Supervision" with respect to the supervision of an employee of a landscape architect, means that a licensed landscape architect is responsible for and personally reviews,

corrects when necessary, and approves work performed by any employee under the direction of

the landscape architect, and may be further defined by rule of the division in collaboration with the board. [(6)] (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501. [(7)] (6) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be further defined by rule of the division in collaboration with the board. Section 44. Section 58-53-103 is amended to read: 58-53-103. Education and enforcement fund. (1) There is created an expendable special revenue fund known as the "Landscape Architects Education and Enforcement Fund." (2) The fund consists of money from: (a) a surcharge placed on application fees for initial, renewal, and reinstatement licensure under this chapter, in an amount established by the division [with the collaboration of the board] in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and (b) administrative penalties collected pursuant to this chapter. (3) The fund shall earn interest, and all interest earned on fund money shall be deposited into the fund. (4) The director may[, with concurrence of the board,] make distributions from the fund for the following purposes: (a) education and training of licensees under this chapter; (b) education and training of the public or other interested persons in matters concerning landscape architectural laws and practices; and (c) enforcement of this chapter by: (i) investigating unprofessional or unlawful conduct; and (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct. (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund. (6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund. Section 45. Section 58-53-302 is amended to read:



plans as defined in Subsection [58-53-102(3)] <u>58-53-102(2)</u>, under the supervision of a landscape architect; and

- (6) an organization engaged in the practice of landscape architecture, provided that:
- (a) the organization employs a principal; and
- (b) all individuals employed by the organization, who are engaged in the practice of landscape architecture, are licensed or exempt from licensure under this chapter.
  - Section 47. Section 58-53-601 is amended to read:
- 58-53-601. Seal -- Design and implementation.
- Every landscape architect shall have a seal, the design and implementation of which shall be established by rule by the division [in collaboration with the board].
  - Section 48. Section 58-71-102 is amended to read:

#### **†** 58-71-102. Definitions.

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

- (1) "Acupuncture" means the same as that term is defined in Section 58-72-102.
- (2) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- [(3) "Board" means the Naturopathic Physicians Licensing Board created in Section 58-71-201.]
- [<del>(4)</del>] (3) "Controlled substance" means the same as that term is defined in Section 58-37-2.
  - [(5)] (4) "Diagnose" means:
- (a) to examine in any manner another individual, parts of an individual's body, substances, fluids, or materials excreted, taken, or removed from an individual's body, or produced by an individual's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;
- (b) to attempt to conduct an examination or determination described under Subsection [(5)(a)](4)(a);
- (c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection [(5)(a)] (4)(a); or

- (d) to make an examination or determination as described in Subsection [(5)(a)] (4)(a) upon or from information supplied directly or indirectly by another individual, whether or not in the presence of the individual the examination or determination concerns.
- [(6)] (5) "Local anesthesia" means an agent, whether a natural medicine or nonscheduled prescription drug, which:
- (a) is applied topically or by injection associated with the performance of minor office procedures;
- (b) has the ability to produce loss of sensation to a targeted area of an individual's body;
  - (c) does not cause loss of consciousness or produce general sedation; and
- (d) is part of the competent practice of naturopathic medicine during minor office procedures.
- [(7)] (6) "Medical naturopathic assistant" means an unlicensed individual working under the direct and immediate supervision of a licensed naturopathic physician and engaged in specific tasks assigned by the licensed naturopathic physician in accordance with the standards and ethics of the profession.
  - $\left[\frac{8}{2}\right]$  (7) (a) "Minor office procedures" means:
- (i) the use of operative, electrical, or other methods for repair and care of superficial lacerations, abrasions, and benign lesions;
- (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or ear;
- (iii) the use of antiseptics and local anesthetics in connection with minor office surgical procedures; and
  - (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:
  - (A) local anesthesia or a prescription drug described in Subsection  $\frac{(9)(d)}{(8)(d)}$ ; or
  - (B) natural substances.
  - (b) "Minor office procedures" does not include:
  - (i) general or spinal anesthesia;
- (ii) office procedures more complicated or extensive than those set forth in Subsection [(8)(a)] (7)(a);
  - (iii) procedures involving the eye; and

- (iv) any office procedure involving nerves, veins, or arteries.
- [(9)] (8) "Natural medicine" means any:
- (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not designated a prescription drug or controlled substance;
  - (b) over-the-counter medication;
- (c) other nonprescription substance, the prescription or administration of which is not otherwise prohibited or restricted under federal or state law; or
  - (d) prescription drug:
- (i) the prescription of which is consistent with the competent practice of naturopathic medicine;
  - (ii) that is not a controlled substance except for testosterone; and
- (iii) that is not any of the following as determined by the federal Food and Drug Administration's general drug category list:
  - (A) an anticoagulant for the management of a bleeding disorder;
  - (B) an anticonvulsant;
  - (C) an antineoplastic;
  - (D) an antipsychotic;
  - (E) a barbiturate;
  - (F) a cytotoxic;
  - (G) a sedative;
  - (H) a sleeping drug;
  - (I) a tranquilizer; or
- (J) any drug category added after April 1, 2022, unless the division determines the drug category to be consistent with the practice of naturopathic medicine under Section 58-71-203.
- [(10)] (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted by a naturopathic physician.
  - (b) "Naturopathic childbirth" includes the use of:
  - (i) natural medicines; and
  - (ii) uncomplicated episiotomy.
  - (c) "Naturopathic childbirth" does not include the use of:

- (i) forceps delivery;
- (ii) general or spinal anesthesia;
- (iii) caesarean section delivery; or
- (iv) induced labor or abortion.
- [(11)] (10) (a) "Naturopathic mobilization therapy" means manually administering mechanical treatment of body structures or tissues for the purpose of restoring normal physiological function to the body by normalizing and balancing the musculoskeletal system of the body;
- (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of the joints of the human body beyond the elastic barrier; and
- (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title 58, Chapter 73, Chiropractic Physician Practice Act.
- [(12)] (11) (a) "Naturopathic physical medicine" means the use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound, hydrotherapy, naturopathic mobilization therapy, and exercise.
- (b) "Naturopathic physical medicine" does not include the practice of physical therapy or physical rehabilitation.
  - $[\frac{(13)}{(12)}]$  "Practice of naturopathic medicine" means:
- (a) a system of primary health care for the prevention, diagnosis, and treatment of human health conditions, injuries, and diseases that uses education, natural medicines, and natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:
  - (i) using naturopathic childbirth, but only if:
- (A) the licensee meets standards of the American College of Naturopathic Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration with the board; and
- (B) the licensee follows a written plan for naturopathic physicians practicing naturopathic childbirth approved by the division in collaboration with the board, which includes entering into an agreement with a consulting physician and surgeon or osteopathic physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and specialty care and delivery is indicated, detailing the guidelines by which the naturopathic

#### physician will:

- (I) refer patients to the consulting physician; and
- (II) consult with the consulting physician;
- (ii) using naturopathic mobilization therapy;
- (iii) using naturopathic physical medicine;
- (iv) using minor office procedures;
- (v) prescribing or administering natural medicine;
- (vi) prescribing medical equipment and devices, diagnosing by the use of medical equipment and devices, and administering therapy or treatment by the use of medical devices necessary and consistent with the competent practice of naturopathic medicine;
  - (vii) prescribing barrier devices for contraception;
  - (viii) using dietary therapy;
- (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and physiological function tests;
- (x) taking of body fluids for clinical laboratory tests and using the results of the tests in diagnosis;
- (xi) taking of a history from and conducting of a physical examination upon a human patient; and
- (xii) administering local anesthesia during the performance of a minor office procedure;
- (b) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection [(13)(a)] (12)(a), whether or not for compensation; or
- (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy," "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care," "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that might cause a reasonable person to believe the individual using the designation is a licensed naturopathic physician.
  - [(14)] (13) "Prescribe" means to issue a prescription:

- (a) orally or in writing; or
- (b) by telephone, facsimile transmission, computer, or other electronic means of communication as defined by division rule.
- [(15)] (14) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person licensed under this chapter or exempt from licensure under this chapter.
- [(16)] (15) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.
- $[\frac{(17)}{(16)}]$  "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-501.
- [(18)] (17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-71-502, and as may be further defined by division rule.

Section  $\frac{49}{12}$ . Section 58-71-203 is amended to read:

#### 58-71-203. Drug category review.

- (1) As used in this section, "FDA" means the federal Food and Drug Administration.
- (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug category list, the division shall determine whether the drug category is consistent with the practice of naturopathic medicine.
- (3) To make the determination described in Subsection (2), the division shall consult with [:] the board described in Section 58-67-201.
  - [(a) the board; and]
  - (b) the board described in Section 58-67-201.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to implement this section.

Section  $\frac{50}{13}$ . Section 58-71-302 is amended to read:

#### 58-71-302. Qualifications for licensure.

- (1) An applicant for licensure as a naturopathic physician, except as set forth in Subsection (2), shall:
  - (a) submit an application in a form prescribed by the division, which may include:

- (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
- (ii) a record of professional liability claims made against the applicant and settlements paid by or in behalf of the applicant;
  - (b) pay a fee determined by the department under Section 63J-1-504;
- (c) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a naturopathic physician, as evidenced by having received an earned degree of doctor of naturopathic medicine from:
- (i) a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education or its successor organization approved by the division;
- (ii) a naturopathic medical school or college that is a candidate for accreditation by the Council of Naturopathic Medical Education or its successor organization, and is approved by the division [in collaboration with the board], upon a finding there is reasonable expectation the school or college will be accredited; or
- (iii) a naturopathic medical school or college which, at the time of the applicant's graduation, met current criteria for accreditation by the Council of Naturopathic Medical Education or its successor organization approved by the division;
- (d) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements set forth in Subsection (1)(c), 12 months of clinical experience in naturopathic medicine in a residency program recognized by the division and associated with an accredited school or college of naturopathic medicine, and under the preceptorship of a licensed naturopathic physician, physician and surgeon, or osteopathic physician;
- (e) pass the licensing examination sequence required by division rule [established in collaboration with the board];
- (f) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the [board] division if requested by the [board] division; and
- (g) meet with [the board and] representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure.
  - (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a

naturopathic physician under the endorsement provision of Section 58-1-302 shall:

- (i) meet the requirements of Section 58-1-302;
- (ii) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection (1)(d);
- (iii) have passed the examination requirements established under Subsection (1)(e) that:
- (A) the applicant has not passed in connection with licensure in another state or jurisdiction; and
- (B) are available to the applicant to take without requiring additional professional education;
- (iv) have been actively engaged in the practice of a naturopathic physician for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; and
- (v) meet with [the board and] representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.
- (b) The division may rely, either wholly or in part, on one or more credentialing associations designated by division rule[, made in collaboration with the board,] to document and certify in writing to the satisfaction of the division that an applicant has met each of the requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:
  - (i) the applicant holds a current license;
- (ii) the education, experience, and examination requirements of the foreign country or the state, district, or territory of the United States that issued the applicant's license are, or were at the time the license was issued, equal to those of this state for licensure as a naturopathic physician; and
- (iii) the applicant has produced evidence satisfactory to the division of the applicant's qualifications, identity, and good standing as a naturopathic physician.

Section  $\{51\}$ 14. Section 58-71-304 is amended to read:

#### 58-71-304. License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements in accordance with the number of hours and standards

defined by division rule [made in collaboration with the board].

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

Section  $\frac{52}{15}$ . Section **58-71-304.2** is amended to read:

#### 58-71-304.2. Temporary license.

- (1) The division may issue a temporary license to an individual who:
- (a) meets all qualifications for licensure except completion of the 12 month clinical experience required under Section 58-71-302; and
- (b) presents a plan acceptable to the division [and the board] under which the applicant will practice under the direct supervision of a licensed naturopathic physician, physician and surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians in an approved clinical experience program.
- (2) A temporary license issued under this section expires on the date the licensee completes the clinical experience program, but not more than 18 months from the original date of issue.
  - (3) A temporary license under this section may be issued only once to an individual. Section <del>(53)</del> 16. Section 58-71-601 is amended to read:

#### 58-71-601. Mentally incompetent or incapacitated naturopathic physician.

- (1) As used in this section:
- (a) "Incapacitated person" means a person who is incapacitated, as defined in Section 75-1-201.
  - (b) "Mental illness" is as defined in Section 62A-15-602.
- (2) If a court of competent jurisdiction determines a naturopathic physician is an incapacitated person or that the physician has a mental illness and is unable to safely engage in the practice of medicine, the director shall immediately suspend the license of the naturopathic physician upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending. The director shall promptly notify the naturopathic physician, in writing, of the suspension.
  - (3) (a) If the division [and a majority of the board find] finds reasonable cause to

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

- (b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4, Administrative Procedures Act, except as provided in Subsection (4).
- (4) (a) Every naturopathic physician who accepts the privilege of being licensed under this chapter gives consent to:
- (i) submitting at the physician's own expense to an immediate mental or physical examination when directed in writing by the division [and a majority of the board] to do so; and
- (ii) the admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.
- (b) The examination may be ordered by the division[, with the consent of a majority of the board,] only upon a finding of reasonable cause to believe:
- (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable to practice medicine with reasonable skill and safety; and
- (ii) immediate action by the division [and the board] is necessary to prevent harm to the naturopathic physician's patients or the general public.
- (c) (i) Failure of a naturopathic physician to submit to the examination ordered under this section is a ground for the division's immediate suspension of the naturopathic physician's license by written order of the director.
- (ii) The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the naturopathic physician and was not related directly to the illness or incapacity of the naturopathic physician.

- (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or (3) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.
- (b) The hearing held under this subsection shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the naturopathic physician's patients or the general public.
- (6) A naturopathic physician whose license is revoked, suspended, or in any way restricted under this section may request the division [and the board] to consider, at reasonable intervals, evidence presented by the naturopathic physician, under procedures established by division rule, regarding any change in the naturopathic physician's condition, to determine whether:
- (a) the physician is or is not able to safely and competently engage in the practice of medicine; and
- (b) the physician is qualified to have the physician's license to practice under this chapter restored completely or in part.

Section  $\frac{54}{17}$ . Section **58-71-802** is amended to read:

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

- (1) A naturopathic physician licensed under this chapter may engage in practice as a naturopathic physician, or in the practice of naturopathic medicine only as an individual licensee; but as an individual licensee, [he] the naturopathic physician may be:
  - (a) an individual operating as a business proprietor;
  - (b) an employee of another person;
  - (c) a partner in a lawfully organized partnership;
  - (d) a lawfully formed professional corporation;
  - (e) a lawfully organized limited liability company;
  - (f) a lawfully organized business corporation; or
- (g) any other form of organization recognized by the state which is not prohibited by rule adopted by division rules [made in collaboration with the board].
- (2) Regardless of the form in which a licensee engages in the practice of medicine, the licensee may only permit the practice of medicine in that form of practice to be conducted by

an individual:

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

Section  $\frac{55}{18}$ . Section **58-71-803** is amended to read:

#### 58-71-803. Medical records -- Electronic records.

- (1) Medical records maintained by a licensee shall:
- (a) meet the standards and ethics of the profession; and
- (b) be maintained in accordance with division rules [made in collaboration with the board].
- (2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Section  $\frac{56}{19}$ . Section 58-75-102 is amended to read:

#### 58-75-102. **Definitions.**

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

- [(1) "Board" means the Genetic Counselors Licensing Board created in Section 58-75-201.]
- [(2)] (1) "Genetic counselor" means a person licensed under this chapter to engage in the practice of genetic counseling.
- [(3)] (2) "Practice of genetic counseling" means the communication process which deals with the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family:
- (a) comprehend the medical facts, including the diagnosis, probable cause of the disorder, and the available management;
- (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in specified relatives;
  - (c) understand the alternatives for dealing with the risk of occurrence;
- (d) choose the course of action which seems appropriate to them in view of their risk, their family goals, and their ethical and religious standards, and to act in accordance with that decision; and
  - (e) make the best possible psychosocial adjustment to the disorder in an affected family

member or to the risk of occurrence of that disorder.

- $\left[\frac{4}{3}\right]$  "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.
- [(5)] (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section  $\frac{57}{20}$ . Section 58-75-303 is amended to read:

#### 58-75-303. Term of license -- Expiration -- Renewal.

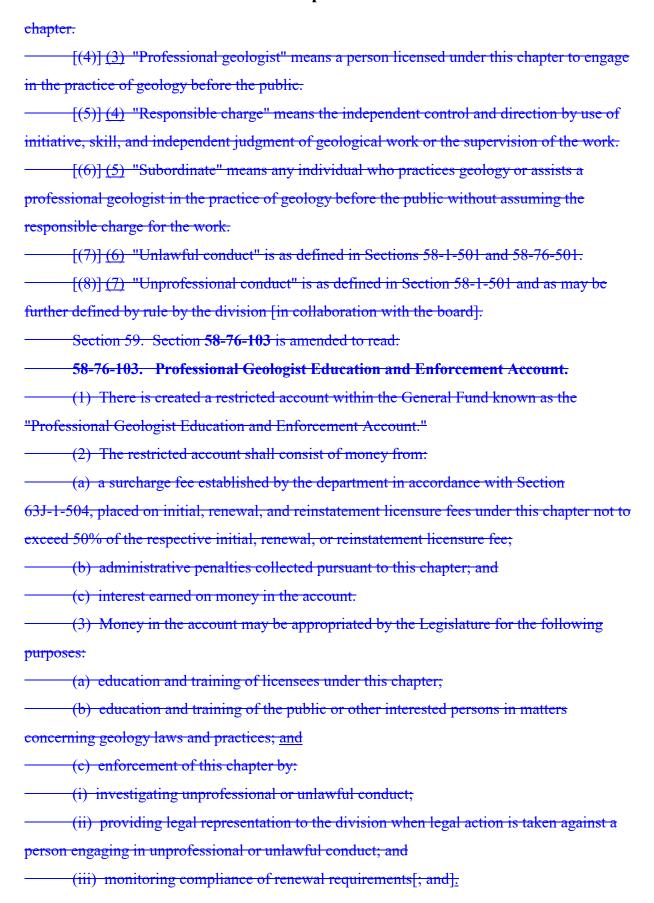
- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by rule by the division [in collaboration with the board].
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

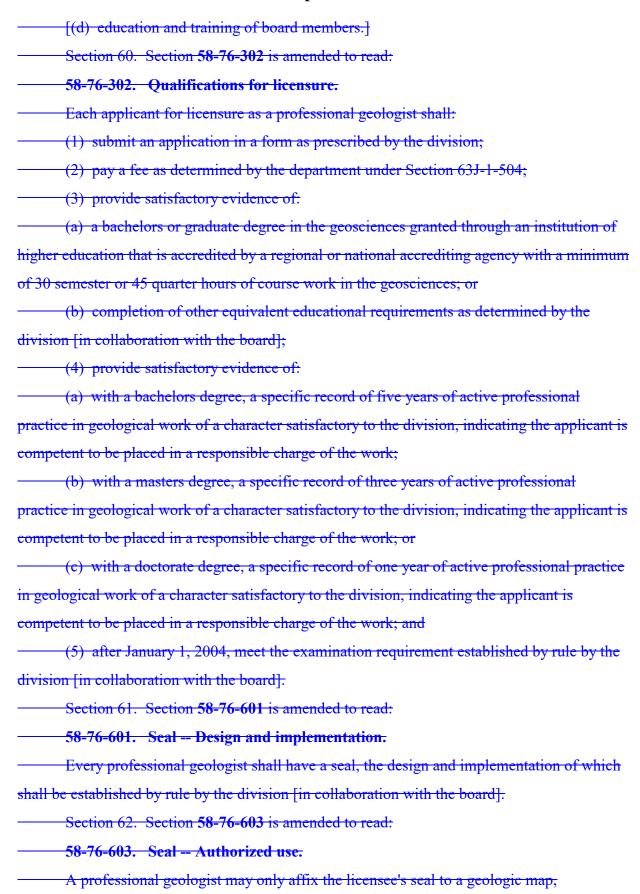
Section  $\frac{(58)21}{(58-76-102)}$  Section  $\frac{(58-76-102)}{(58-77-102)}$  is amended to read:

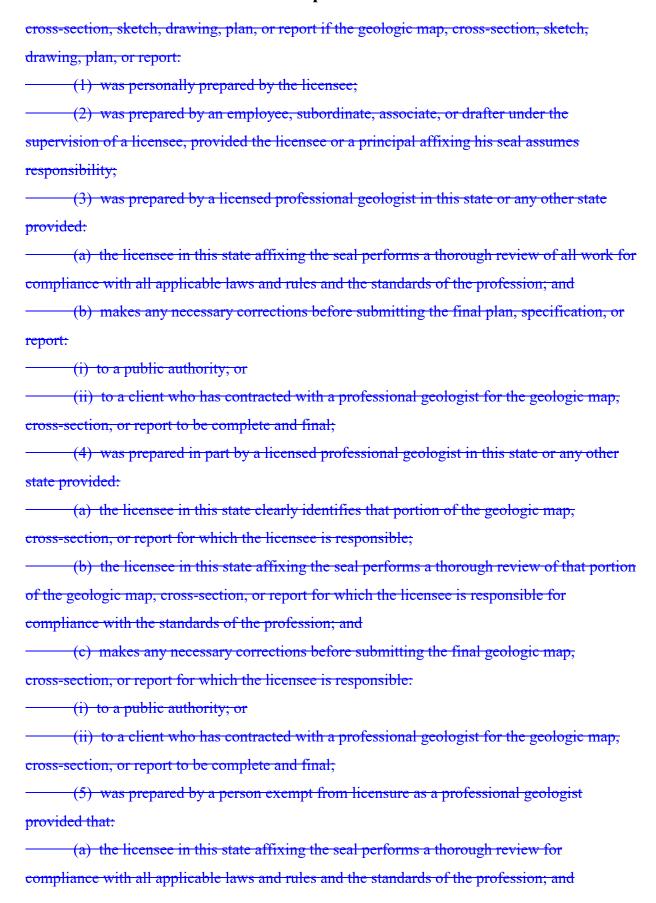
**₹ 58-76-102. Definitions.** 

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

- [(1) "Board" means the Professional Geologist Licensing Board created in Section 58-76-201.]
- [(2)] (1) "Geology" means the science, which treats the study of the earth in general, the earth's processes and history, investigation of the earth's crust and the rocks and other materials of which it is composed, and the applied science of utilizing knowledge of the earth's history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of mankind.
- [(3)] (2) "Practice of geology before the public" means the performance of geology including but not limited to consultation, investigation, evaluation, planning, geologic mapping, interpretation of geologic data, preparation of geologic reports, geologic cross-sections and geologic maps, inspection of geological work, and the responsible supervision thereof, the performance of which is relevant to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this







- (b) makes any necessary corrections before submitting the final geologic map, cross-section, or report:
  - (i) to a public authority; or
- (ii) to a client who has contracted with a professional geologist for the geologic map, cross-section, or report to be complete and final; or
- (6) meets any additional requirements established by rule by the division [in collaboration with the board].
  - Section 63. Section 58-77-102 is amended to read:
- **†** 58-77-102. Definitions.

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

- [(1) "Board" means the Licensed Direct-entry Midwife Board created in Section 58-77-201.]
- [(2)] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act.
- [(3)] (2) "Client" means a woman and her fetus or newborn baby under the care of a direct-entry midwife.
- [(4)] (3) "Direct-entry midwife" means an individual who is engaging in the practice of direct-entry midwifery.
  - [(5)] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.
- [(6)] (5) "Low risk" means a labor and delivery and postpartum, newborn, and interconceptual care that does not include a condition that requires a mandatory transfer under administrative rules adopted by the division.
- [<del>(7)</del>] <u>(6)</u> "Physician" means an individual licensed as a physician and surgeon, osteopathic physician, or naturopathic physician.
- [(8)] (7) "Practice of direct-entry midwifery" means the practice of providing the necessary supervision, care, and advice to a client during essentially normal pregnancy, labor, delivery, postpartum, and newborn periods that is consistent with national professional midwifery standards and that is based upon the acquisition of clinical skills necessary for the care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum, newborn, and limited interconceptual care, and includes:
  - (a) obtaining an informed consent to provide services;

- (b) obtaining a health history, including a physical examination;
- (c) developing a plan of care for a client;
- (d) evaluating the results of client care;
- (e) consulting and collaborating with and referring and transferring care to licensed health care professionals, as is appropriate, regarding the care of a client;
- (f) obtaining medications, as specified in this Subsection [(8)(f)] (7)(f), to administer to a client, including:
  - (i) prescription vitamins;
  - (ii) Rho D immunoglobulin;
  - (iii) sterile water;
- (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a client's blood loss;
- (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the licensed direct-entry midwife must initiate transfer if a client's condition does not immediately improve;
  - (vi) oxygen;
- (vii) local anesthetics without epinephrine used in accordance with Subsection  $[\frac{(8)(1)}{(7)(1)}]$ ;
  - (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
  - (ix) as required by law, eye prophylaxis to prevent opthalmia neonatorum; and
- (x) any other medication approved by a licensed health care provider with authority to prescribe that medication;
- (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food, Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as prescription drugs or controlled substances, and over-the-counter medications to administer to clients;
- (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood pressure cuff, phlebotomy supplies, instruments, and sutures;
- (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis, and ultrasound scans;
  - (j) managing the antepartum period;

- (k) managing the intrapartum period, including:
- (i) monitoring and evaluating the condition of a mother and a fetus;
- (ii) performing an emergency episiotomy; and
- (iii) delivering a baby in any out-of-hospital setting;
- (l) managing the postpartum period, including the suturing of an episiotomy and the suturing of first and second degree natural perineal and labial lacerations, including the administration of a local anesthetic;
  - (m) managing the newborn period, including:
- (i) providing care for a newborn baby, including performing a normal newborn baby examination; and
  - (ii) resuscitating a newborn baby;
- (n) providing limited interconceptual services in order to provide continuity of care, including:
  - (i) breastfeeding support and counseling;
- (ii) family planning, limited to natural family planning, cervical caps, and diaphragms; and
- (iii) pap smears, where each client with an abnormal result is to be referred to an appropriate licensed health care provider; and
- (o) executing the orders of a licensed health care professional, if the orders are within the education, knowledge, and skill of the direct-entry midwife.
- [(9)] (8) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-77-501.
- [(10)] (9) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-77-502 and as may be further defined by rule.

Section  $\frac{(64)}{22}$ . Section **58-77-302** is amended to read:

#### 58-77-302. Qualifications for licensure.

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

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee as determined by the department under Section 63J-1-504;
- (3) hold a Certified Professional Midwife certificate in good standing with the North American Registry of Midwives or equivalent certification approved by the division [in

collaboration with the board];

- (4) hold current adult and infant CPR and newborn resuscitation certifications through an organization approved by the division [in collaboration with the board]; and
- (5) provide documentation of successful completion of an approved pharmacology course as defined by division rule.

Section  $\frac{(65)23}{}$ . Section 58-83-102 is amended to read:

#### 58-83-102. **Definitions.**

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

- [(1) "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing Board created in Section 58-83-201.]
- [(2)] (1) "Branching questionnaire" means an adaptive and progressive assessment tool [approved by the board].
- [(3)] (2) "Delivery of online pharmaceutical services" means the process in which a prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized by Section 58-83-306, using:
- (a) a branching questionnaire or other assessment tool approved by the division for the purpose of diagnosing and assessing a patient's health status;
  - (b) an Internet contract pharmacy to:
  - (i) dispense the prescribed drug; or
  - (ii) transfer the prescription to another pharmacy; and
- (c) an Internet facilitator to facilitate the practices described in Subsections [(3)(a)] and (b).
  - [(4)] (3) "Division" means the Division of Professional Licensing.
- [(5)] (4) "Internet facilitator" means a licensed provider of a web-based system for electronic communication between and among an online prescriber, the online prescriber's patient, and the online contract pharmacy.
- [(6)] (5) "Online contract pharmacy" means a pharmacy licensed and in good standing under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an online prescriber through a specific Internet facilitator.
  - $\left[\frac{7}{(6)}\right]$  "Online prescriber" means a person:

- (a) licensed under another chapter of this title;
- (b) whose license under another chapter of this title includes assessing, diagnosing, and prescribing authority for humans; and
  - (c) who has obtained a license under this chapter to engage in online prescribing.
  - $\left[\frac{(8)}{(7)}\right]$  "Unlawful conduct" is as defined in Sections 58-1-501 and 58-83-501.
- [(9)] (8) "Unprofessional conduct" is as defined in Sections 58-1-203 and 58-83-502, and as further defined by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section  $\frac{(66)}{24}$ . Section **58-83-302** is amended to read:

#### 58-83-302. Qualifications for licensure.

- (1) Each applicant for licensure as an online prescriber under this chapter shall:
- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) document that the applicant holds a Utah license that is active and in good standing and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human ailments and the prescription of medications;
- (d) document that any other professional license the applicant possesses from other jurisdictions is in good standing;
- (e) (i) submit to the division an outline of the applicant's proposed online assessment, diagnosis, and prescribing tool, such as a branching questionnaire; and
- (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the [board] division and establish to the [board's] division's satisfaction that the utilization of that assessment tool to facilitate the prescription of the drugs approved for online prescribing under Section 58-83-305 does not compromise the public's health, safety, or welfare;
- (f) submit policies and procedures that address patient confidentiality, including measures that will be taken to ensure that the age and other identifying information of the person completing the online branching questionnaire are accurate;
- (g) describe the mechanism by which the online prescriber and patient will communicate with one another, including electronic and telephonic communication;
- (h) describe how the online prescriber/patient relationship will be established and maintained;

- (i) submit the name, address, and contact person of the Internet facilitator with whom the online prescriber has contracted to provide services that the online prescriber will use to engage in online assessment, diagnosis, and prescribing; and
- (j) submit documentation satisfactory to the [board] <u>division</u> regarding public health, safety, and welfare demonstrating:
  - (i) how the online prescriber will comply with the requirements of Section 58-83-305;
  - (ii) the contractual services arrangement between the online prescriber and:
  - (A) the Internet facilitator; and
  - (B) the online contract pharmacy; and
- (iii) how the online prescriber will allow and facilitate the division's ability to conduct audits in accordance with Section 58-83-308.
- (2) An online prescriber may not use the services of an Internet facilitator or online contract pharmacy whose license is not active and in good standing.
- (3) Each applicant for licensure as an online contract pharmacy under this chapter shall:
- (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B Closed Door Pharmacy;
  - (b) submit a written application in the form prescribed by the division;
  - (c) pay a fee as determined by the department under Section 63J-1-504;
- (d) submit any contract between the applicant and the Internet facilitator with which the applicant is or will be affiliated;
- (e) submit proof of liability insurance acceptable to the division that expressly covers all activities the online contract pharmacy will engage in under this chapter, which coverage shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than \$3,000,000;
- (f) submit a signed affidavit to the division attesting that the online contract pharmacy will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of online pharmaceutical services under the provisions of this chapter unless:
  - (i) the drug is specifically approved by the division under Section 58-83-306; and
- (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

- (g) document that any other professional license the applicant possesses from other jurisdictions is active and in good standing; and
- (h) demonstrate to the division that the applicant has satisfied any background check required by Section 58-17b-307, and each owner, officer, or manager of the applicant online contract pharmacy has not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this chapter indicates there is cause to believe that issuing a license under this chapter is inconsistent with the public's health, safety, or welfare.
  - (4) Each applicant for licensure as an Internet facilitator under this chapter shall:
  - (a) submit a written application in the form prescribed by the division;
  - (b) pay a fee as determined by the department under Section 63J-1-504;
- (c) submit any contract between the applicant and the following with which the applicant will be affiliated:
  - (i) each online prescriber; and
  - (ii) the single online contract pharmacy;
  - (d) submit written policies and procedures satisfactory to the division that:
- (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and 164, Health Insurance Portability and Accountability Act of 1996;
- (ii) ensure compliance with all applicable laws by health care personnel and the online prescriber who will process patient communications;
  - (iii) list the hours of operation;
  - (iv) describe the types of services that will be permitted electronically;
- (v) describe the required patient information to be included in the communication, such as patient name, identification number, and type of transaction;
  - (vi) establish procedures for archiving and retrieving information; and
  - (vii) establish quality oversight mechanisms;
- (e) submit written documentation of the applicant's security measures to ensure the confidentiality and integrity of any user-identifiable medical information;
  - (f) submit a description of the mechanism for:
- (i) patients to access, supplement, and amend patient-provided personal health information;

- (ii) back-up regarding the Internet facilitator electronic interface;
- (iii) the quality of information and services provided via the interface; and
- (iv) patients to register complaints regarding the Internet facilitator, the online prescriber, or the online contract pharmacy;
  - (g) submit a copy of the Internet facilitator's website;
  - (h) sign an affidavit attesting that:
- (i) the applicant will not access any medical records or information contained in the medical record except as necessary to administer the website and the branching questionnaire; and
- (ii) the applicant and its principals, and any entities affiliated with them, will only use the services of a single online contract pharmacy named on the license approved by the division; and
  - (i) submit any other information required by the division.

Section  $\frac{(67)}{25}$ . Section **58-83-401** is amended to read:

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

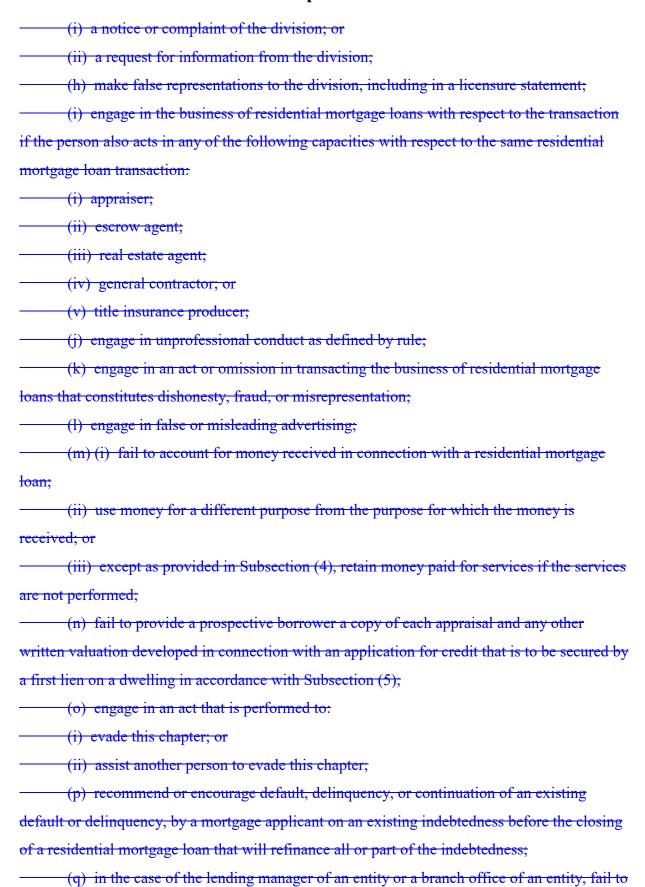
- (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist order:
  - (a) shall be in accordance with Section 58-1-401; and
  - (b) includes:
- (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not approved by the [board] division under Section 58-83-306; or
  - (ii) any other violation of this chapter.
- (2) The termination or expiration of a license under this chapter for any reason does not limit the division's authority to start or continue any investigation or adjudicative proceeding.
- (3) (a) Because of the working business relationship between and among the online prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to comply with this chapter may depend in some respects on the actions of the others.
  - (b) It is possible that a particular action or inaction by the online prescriber, the Internet

facilitator, or the online contract pharmacy could have the effect of causing the other licensed entities to be out of compliance with this chapter, and each entity may, therefore, be held accountable for any related party's non-compliance, if the party knew or reasonably should have known of the other person's non-compliance.

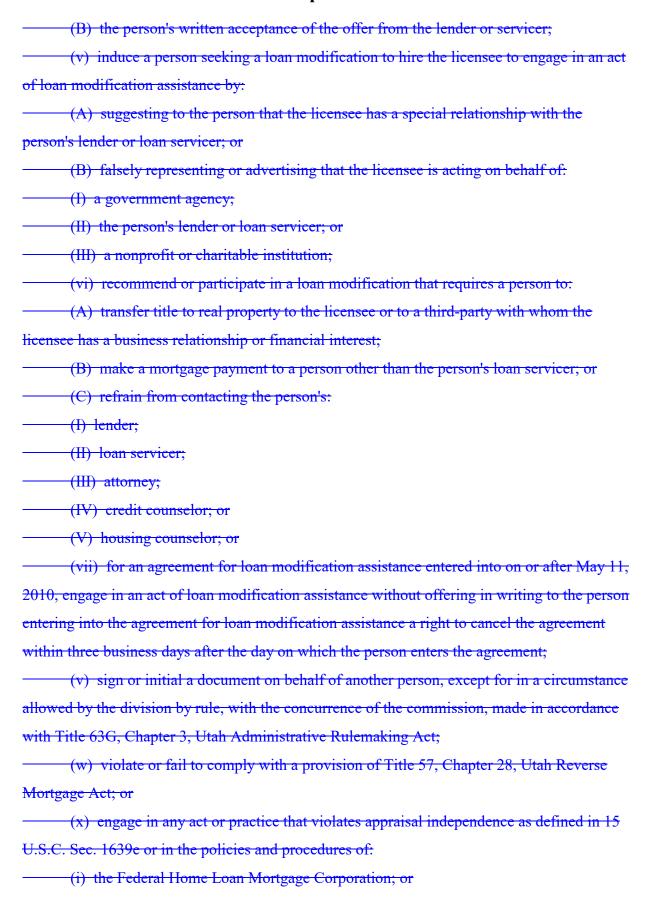
- (4) (a) An online prescriber may lose the practitioner's professional license to prescribe any drug under this title if the online prescriber knew or reasonably should have known that the provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the online contract pharmacy.
- (b) It is not a defense to an alleged violation under this chapter that the alleged violation was a result of an action or inaction not by the charged party but by the related online prescriber, the online contract pharmacy, or the Internet facilitator.
- (5) The following actions may result in an immediate suspension of the online prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license, and each is considered an immediate and significant danger to the public health, safety, or welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate the delivery of online pharmaceutical services by the licensee:
  - (a) online prescribing, dispensing, or facilitation with respect to:
  - (i) a person who is younger than 18 years old;
- (ii) a legend drug not authorized by the division in accordance with Section 58-83-306; and
  - (iii) any controlled substance;
- (b) violating this chapter after having been given reasonable opportunity to cure the violation;
- (c) using the name or official seal of the state, the department, or the division, or their boards, in an unauthorized manner; or
- (d) failing to respond to a request from the division within the time frame requested for:
  - (i) an audit of the website; or
- (ii) records of the online prescriber, the Internet facilitator, or the online contract pharmacy.

Section  $\frac{(68)}{26}$ . Section  $\frac{(61-2c-301)}{63A-16-107}$  is amended to read:

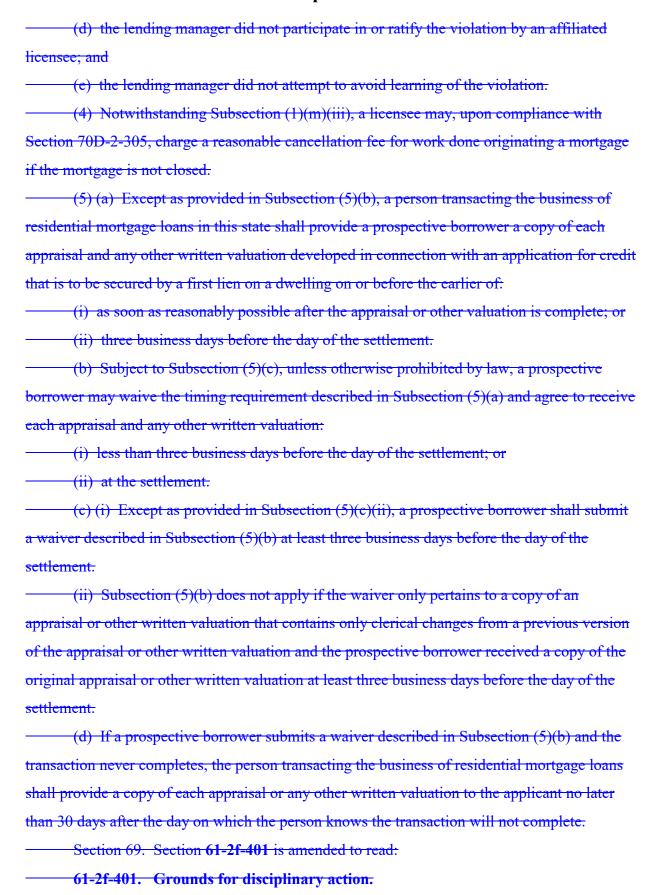
{	61-2c-301. Prohibited conduct Violations of the chapter.
-	(1) A person transacting the business of residential mortgage loans in this state may
not:	
	(a) violate Section 8 of RESPA;
	(b) charge a fee in connection with a residential mortgage loan transaction:
	(i) that is excessive; or
	(ii) without providing to the loan applicant a written statement signed by the loan
applic	<del>ant:</del>
	(A) stating whether or not the fee or deposit is refundable; and
	(B) describing the conditions, if any, under which all or a portion of the fee or deposit
will b	e refunded to the loan applicant;
	(c) act incompetently in the transaction of the business of residential mortgage loans
such t	hat the person fails to:
	(i) safeguard the interests of the public; or
	(ii) conform to acceptable standards of the residential mortgage loan industry;
	(d) do any of the following as part of a residential mortgage loan transaction, regardless
<del>of wh</del>	ether the residential mortgage loan closes:
	(i) make a false statement or representation;
	(ii) cause false documents to be generated; or
	(iii) knowingly permit false information to be submitted by any party;
	(e) give or receive compensation or anything of value, or withhold or threaten to
withh	old payment of an appraiser fee, to influence the independent judgment of an appraiser in
reachi	ng a value conclusion in a residential mortgage loan transaction, except that it is not a
violat	ion of this section for a licensee to withhold payment because of a bona fide dispute
regard	ling a failure of the appraiser to comply with the licensing law or the Uniform Standards
<del>of Pro</del>	fessional Appraisal Practice;
	(f) violate or not comply with:
	(i) this chapter;
	(ii) an order of the commission or division; or
	(iii) a rule made by the division;
-	(g) fail to respond within the required time period to:

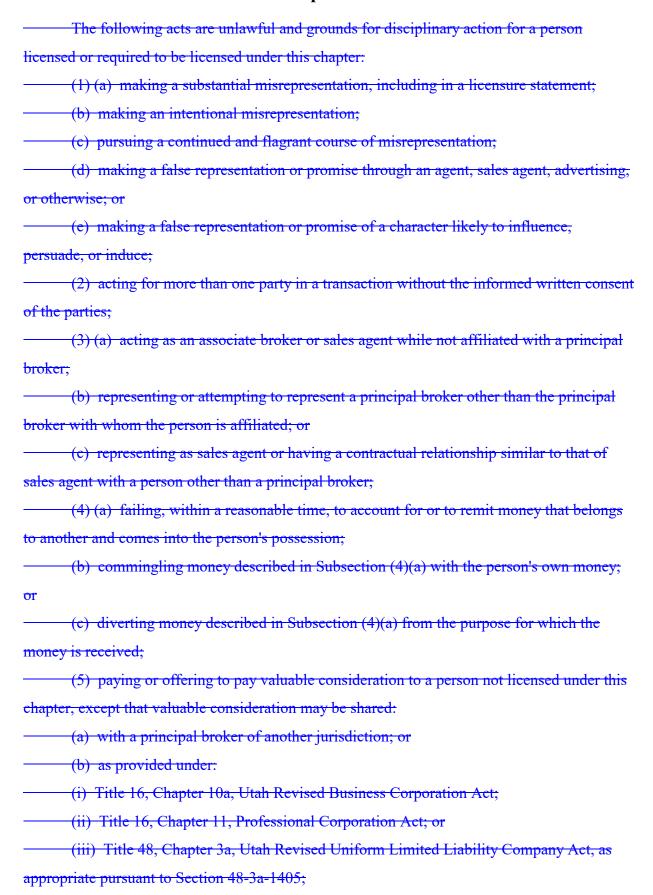


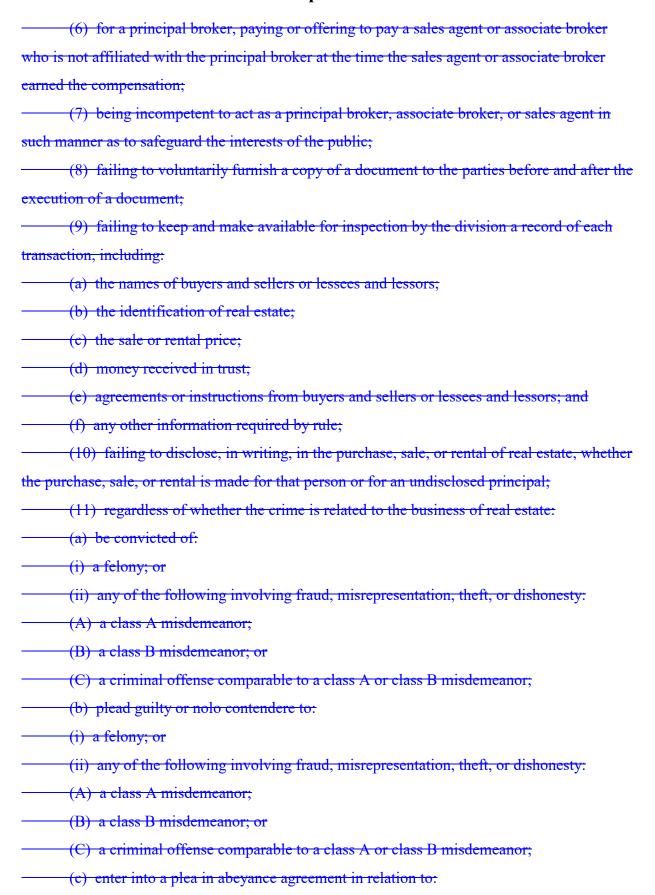
exercise reasonable supervision over the activities of:
(i) unlicensed staff; or
(ii) a mortgage loan originator who is affiliated with the lending manager;
(r) pay or offer to pay an individual who does not hold a license under this chapter for
work that requires the individual to hold a license under this chapter;
(s) in the case of a dual licensed title licensee as defined in Section [31A-2-402]
31A-23a-119:
(i) provide a title insurance product or service without the approval required by Section
[31A-2-405] <u>31A-23a-119</u> ; or
(ii) knowingly provide false or misleading information in the statement required by
Subsection [31A-2-405(2)] 31A-23a-119(3);
(t) represent to the public that the person can or will perform any act of a mortgage
loan originator if that person is not licensed under this chapter because the person is exempt
under Subsection 61-2c-105(4), including through:
<del>(i) advertising;</del>
(ii) a business card;
(iii) stationery;
(iv) a brochure;
(v) a sign;
(vi) a rate list; or
(vii) other promotional item;
(u) (i) engage in an act of loan modification assistance without being licensed under
this chapter;
(ii) engage in an act of foreclosure rescue that requires licensure as a real estate agent
or real estate broker under Chapter 2, Division of Real Estate, without being licensed under
that chapter;
(iii) engage in an act of loan modification assistance without entering into a written
agreement specifying which one or more acts of loan modification assistance will be
<del>completed;</del>
(iv) request or require a person to pay a fee before obtaining:
(A) a written offer for a loan modification from the person's lender or servicer; and

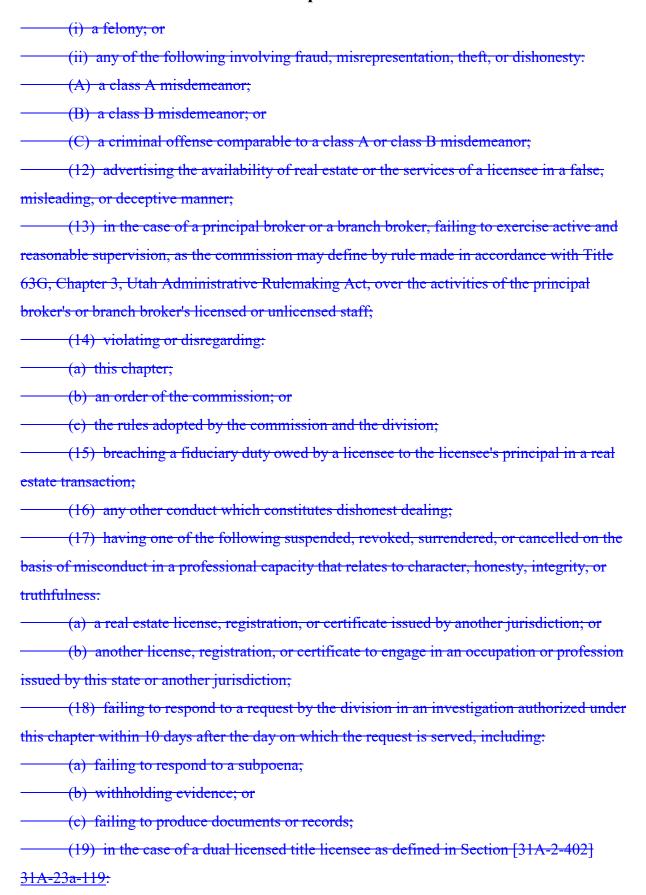


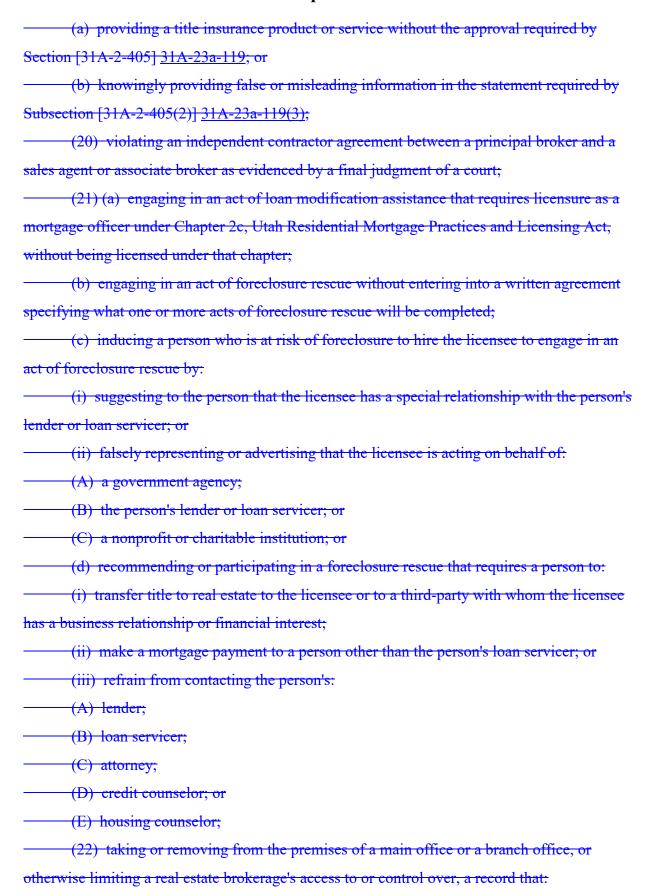
(ii) the Federal National Mortgage Association.
(2) Regardless of whether the crime is related to the business of residential mortgage
loans, it is a violation of this chapter for a licensee or a person who is a certified education
<del>provider to:</del>
(a) be convicted of:
(i) a felony; or
(ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
——————————————————————————————————————
(B) a class B misdemeanor; or
(C) a criminal offense comparable to a class A or class B misdemeanor;
(b) plead guilty or nolo contendere to:
——————————————————————————————————————
(ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
——————————————————————————————————————
(B) a class B misdemeanor; or
(C) a criminal offense comparable to a class A or class B misdemeanor; or
(c) enter into a plea in abeyance agreement in relation to:
——————————————————————————————————————
(ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
——————————————————————————————————————
(B) a class B misdemeanor; or
(C) a criminal offense comparable to a class A or class B misdemeanor.
(3) A lending manager does not violate Subsection (1)(q) if:
(a) in contravention of the lending manager's written policies and instructions, an
affiliated licensee of the lending manager violates:
(i) this chapter; or
(ii) rules made by the division under this chapter;
(b) the lending manager established and followed reasonable procedures to ensure that
affiliated licensees receive adequate supervision;
(c) upon learning of a violation by an affiliated licensee, the lending manager
attempted to prevent or mitigate the damage;

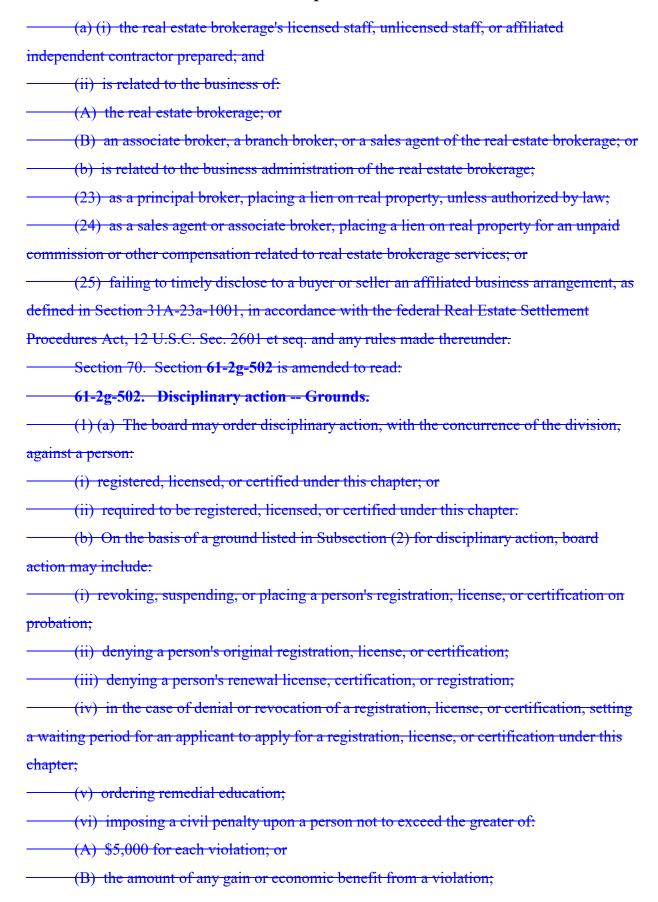


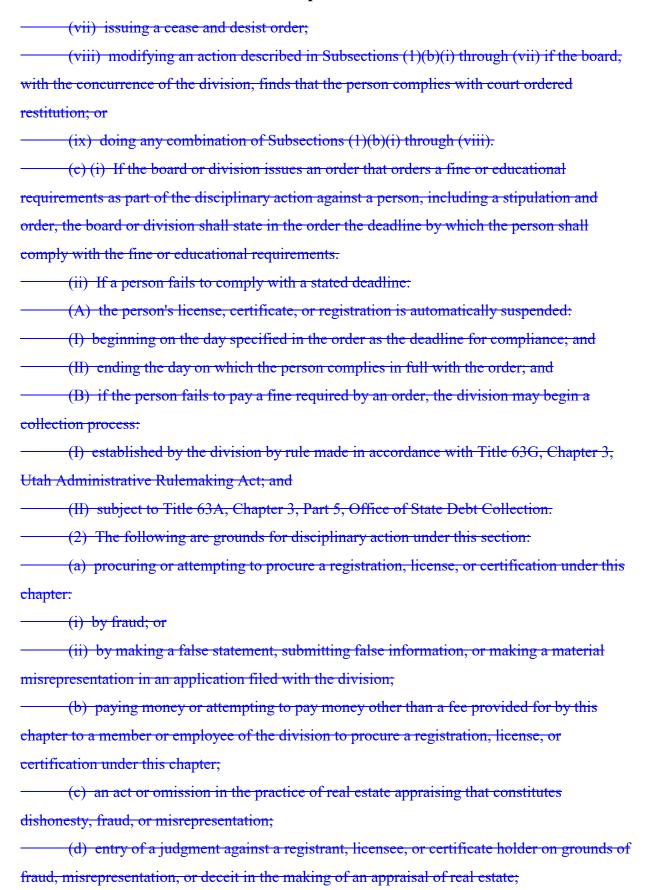












(e) regardless of whether the crime is related to the appraisal business, to:	
(i) be convicted of a felony;	
(ii) be convicted of any of the following involving fraud, misrepresentation, theft, or	•
<del>dishonesty:</del>	
(A) a class A misdemeanor:	
(B) a class B misdemeanor; or	
(C) a criminal offense comparable to a class A or class B misdemeanor;	
(iii) plead guilty or nolo contendere to a felony;	
(iv) plead guilty or nolo contendere to any of the following involving fraud,	
misrepresentation, theft, or dishonesty:	
(A) a class A misdemeanor:	
(B) a class B misdemeanor; or	
(C) a criminal offense comparable to a class A or class B misdemeanor;	
(v) enter into a plea in abeyance agreement involving a felony; or	
(vi) enter into a plea in abeyance agreement involving any of the following involving	g
fraud, misrepresentation, theft, or dishonesty:	
(A) a class A misdemeanor:	
(B) a class B misdemeanor; or	
(C) a criminal offense comparable to a class A or class B misdemeanor;	
(f) engaging in the business of real estate appraising under an assumed or fictitious	
name not properly registered in this state;	
(g) paying a finder's fee or a referral fee to a person not licensed or certified under the	<del>iis</del>
chapter in connection with an appraisal of real estate or real property in this state;	
(h) making a false or misleading statement in:	
(i) that portion of a written appraisal report that deals with professional qualification	ı <del>s,</del>
<del>or</del>	
(ii) testimony concerning professional qualifications;	
(i) violating or disregarding:	
(i) this chapter;	
(ii) an order of:	
(A) the board; or	

- (B) the division, in a case when the board delegates to the division the authority to make a decision on behalf of the board; or (iii) a rule issued under this chapter; (j) violating the confidential nature of governmental records to which a person registered, licensed, or certified under this chapter gained access through employment or engagement as an appraiser by a governmental agency; (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was contingent upon: (i) the appraiser reporting a predetermined analysis, opinion, or conclusion; (ii) the analysis, opinion, conclusion, or valuation reached; or (iii) the consequences resulting from the appraisal assignment; (1) unprofessional conduct as defined by statute or rule; (m) in the case of a dual licensed title licensee as defined in Section [31A-2-402] 31A-23a-119: (i) providing a title insurance product or service without the approval required by Section [31A-2-405] 31A-23a-119; or (ii) knowingly providing false or misleading information in the statement required by Subsection [31A-2-405(2)] 31A-23a-119(3); or (n) other conduct that constitutes dishonest dealing. (3) A person previously licensed, certified, or registered under this chapter remains responsible for, and is subject to disciplinary action for, an act that the person committed, while the person was licensed, certified, or registered, in violation of this chapter or an administrative rule in effect at the time that the person committed the act, regardless of whether the person is currently licensed, certified, or registered. Section 71. Section 63A-16-107 is amended to read: 63A-16-107. Utah Open Data Portal Website. } (1) As used in this section: (a) "Governmental entity" means the same as that term is defined in Section 63G-2-103. (b) "Public information" means:
  - 111 -

(i) a record of a state governmental entity, a local governmental entity, or an

independent entity that is classified as public under Title 63G, Chapter 2, Government Records Access and Management Act; or

- (ii) subject to any specific limitations and requirements regarding the provision of financial information from the entity under Section 67-3-12, for an entity that is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.
  - (d) "Website" means the Utah Open Data Portal Website created in this section.
- (2) There is created the Utah Open Data Portal Website to be administered by the division.
  - (3) The website shall serve as a point of access for public information.
  - (4) The division shall:
- (a) establish and maintain the website[, guided by the principles described in Subsection 63A-18-202(2)];
- (b) provide equipment, resources, and personnel as needed to establish and maintain the website;
- (c) provide a mechanism for a governmental entity to gain access to the website for the purpose of posting and modifying public information; and
  - (d) maintain an archive of all public information posted to the website.
- (5) The timing for posting and the content of the public information posted to the website is the responsibility of the governmental entity posting the public information.
- (6) A governmental entity may not post private, controlled, or protected information to the website.
- (7) A person who negligently discloses private, controlled, or protected information is not criminally or civilly liable for improper disclosure of the information if the information is disclosed solely as a result of the preparation or publication of the website.

Section  $\frac{72}{27}$ . Section **63I-1-226** is amended to read:

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

[(1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, 2025.  $(2)\{1(1)\}$  Section 26-1-40 is repealed July 1, 2022.  $[\frac{3}{2}]$  ( $\frac{2}{1}$ ) Section 26-1-41 is repealed July 1, 2026.  $[\frac{(4)}{(3)}]$  ( $\frac{(3)}{2}$ ) Section 26-1-43 is repealed December 31, 2025.  $[\frac{(5)}{(4)}]$  ( $\frac{(4)}{(4)}$ 3) Section 26-7-10 is repealed July 1, 2025. [(6)] ((5)4) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1, 2028.  $\left[\frac{7}{100}\right]$  ( $\frac{6}{100}$ 5) Section 26-7-14 is repealed December 31, 2027. [(8)] ((7)6) Section 26-8a-603 is repealed July 1, 2027. [(9)] ((8)7) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.  $[\frac{(10)}{(9)}]$  Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026. [\(\frac{11}{11}\)] (\(\frac{10}{10}\)) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed July 1, 2025. [(12){] (11)} Subsection 26-15c-104(3), relating to a limitation on the number of microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]  $[\frac{(13)}{(12)}]$  Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.  $[\frac{(14)}{(13)}]$  ( $\frac{(13)}{(11)}$ 11) Section 26-18-27 is repealed July 1, 2025.  $[\frac{(15)}{(15)}]$  ( $\frac{(14)}{12}$ ) Section 26-18-28 is repealed June 30, 2027. [(16)] ((15)13) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 2027.  $[\frac{(17)}{(17)}]$  Subsection 26-18-418(2), the language that states "and the Behavioral" Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.  $[\frac{(18)}{(17)}]$  ( $\frac{(17)}{15}$ ) Section 26-33a-117 is repealed December 31, 2023. [(19)] ((18)16) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024. [(20)] ((19)17) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

- [(21)] ((20)18) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.
- [(22)] ((21) 19) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- [(23) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.]
- [(24)] ((122)20) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1, 2027.
- [(25)] ((23)21) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.
- [(26)] ((24)22) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, 2025.
- [(27)] ((25)23) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- [<del>(28)</del>] (<del>(26)</del>24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, 2026.
- [<del>(29)</del>] (<del>{27}</del>25) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1, 2024.
  - [(30)] ((28)26) Section 26-69-406 is repealed July 1, 2025.
- [(31) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.]
- [(32)] ((29)27) Subsection [26B-1-204(2)(k)] 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed July 1, 2025.

Section  $\frac{73}{28}$ . Section 63I-1-263 is amended to read:

#### 63I-1-263. Repeal dates: Titles 63A to 63N.

- (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.
- (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

- [(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]
- [(a) Section 63A-18-102 is repealed;]
- [(b) Section 63A-18-201 is repealed; and]
- [(c) Section 63A-18-202 is repealed.]
- [(5)] (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.
- [<del>(6)</del>] <u>(5)</u> Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- [<del>(7)</del>] <u>(6)</u> Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.
- [<del>(8)</del>] (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.
- [(9)] (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.
- [(10)] (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.
  - [(11)] (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- [(12)] (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- [(13)] (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.
- [(14)] (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- [(15)] (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.
- [(16)] (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- [(17)] (16) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted Account, is repealed July 1, 2026.
- [(18)] (17) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

- [(19){] (18)} Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is repealed July 1, 2022.]
- [(20)] ((19)18) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.
- [(21)] ((120)19) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.
- [(22)] ((21)20) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2033:
- (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;
- (b) Section 63M-7-305, the language that states "council" is replaced with "commission";
  - (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:
  - "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
  - (d) Subsection 63M-7-305(2) is repealed and replaced with:
  - "(2) The commission shall:
- (a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and
- (b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d).".
- [(23)] ((22)21) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.
- [<del>(24)</del>] <del>(23)</del> Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- [(25)] ((24)23) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed January 1, 2025.
- [<del>(26)</del>] <del>(25)</del> Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- [(27)] ((26)25) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.
  - [(28)] ((27)26) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program,

is repealed July 1, 2027.

[(29)] ((28)27) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.

[<del>(30)</del>] (<del>{29}</del>28) In relation to the Rural Employment Expansion Program, on July 1, 2023:

- (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed; and
- (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion Program, is repealed.

 $[\frac{31}{100}]$  In relation to the Board of Tourism Development, on July 1, 2025:

- (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;
- (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is repealed and replaced with "Utah Office of Tourism";
  - (c) Subsection 63N-7-101(1), which defines "board," is repealed;
- (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive approval from the Board of Tourism Development, is repealed; and
  - (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

[(32)] ((31)30) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed on July 1, 2024.

Section  $\frac{74}{29}$ . Section  $\frac{63I-2-219}{63I-2-226}$  is amended to read:

- **€ 63I-2-219. Repeal dates: Title 19.**
- [(1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory Panel, are repealed July 1, 2023. (2)] Section 19-2a-102.5, addressing a study and recommendations for a diesel emission reduction program, is repealed July 1, 2024.
- † 63I-2-226. Repeal dates: <del>Title</del> Titles 26 through 26B.
- [(1) Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed December 31, 2022.]
  - $\frac{(2)}{(1)}$  Subsection 26-7-8(3) is repealed January 1, 2027.
  - [(3)] (2) Section 26-8a-107 is repealed July 1, 2024.
  - (4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

- [(5)] (3) Section 26-8a-211 is repealed July 1, 2023.
- [(6)] (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 26-8a-602(1)(a) is amended to read:
- "(a) {} provide the patient or the patient's representative with the following information before contacting an air medical transport provider:
- (i) \ which health insurers in the state the air medical transport provider contracts with;
- (ii) {} if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and
- (iii) \to \text{whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".
  - [<del>(7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.</del>]
- [(8) Subsection 26-18-411(8), related to reporting on the health coverage improvement program, is repealed January 1, 2023.]
- [(9)](5) Subsection 26-18-420(5), related to reporting on coverage for in vitro fertilization and genetic testing, is repealed July 1, 2030.
- [(10)](6) In relation to the Air Ambulance Committee, July 1, 2024, Subsection 26-21-32(1)(a) is amended to read:
- "(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:
- (i) \ which health insurers in the state the air medical transport provider contracts with;
- (ii) {} if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and
- (iii) \(\frac{1}{2}\) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".
  - [(11) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.]
- [(12)] (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.
  - (13) Subsection 26-61-202(4)(b) is repealed January 1, 2022.
  - [(14) Subsection 26-61-202(5) is repealed January 1, 2022.]

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

#### Section 30. Section 67-1-2.5 is amended to read:

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

- (1) As used in this section:
- (a) "Administrator" means the boards and commissions administrator designated under Subsection (3).
- (b) "Executive board" means an executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body:
  - (i) with a defined limited membership;
- (ii) that is created by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government; and
  - (iii) that is created to operate for more than six months.
- (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year following the year in which a new executive board is created in statute, the governor shall:
  - (i) review the executive board to evaluate:
  - (A) whether the executive board accomplishes a substantial governmental interest; and
  - (B) whether it is necessary for the executive board to remain in statute;
  - (ii) in the governor's review described in Subsection (2)(a)(i), consider:
  - (A) the funding required for the executive board;
  - (B) the staffing resources required for the executive board;
- (C) the time members of the executive board are required to commit to serve on the executive board; and
- (D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and
- (iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:
  - (A) repeal the executive board;
  - (B) add a sunset provision or future repeal date to the executive board;

- (C) make other changes to make the executive board more efficient; or
- (D) make no changes to the executive board.
- (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give deference to:
  - (i) reducing the size of government; and
  - (ii) making governmental programs more efficient and effective.
- (c) The governor is not required to conduct the review or submit the report described in Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- (3) (a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.
  - (b) The administrator shall ensure that the database contains:
  - (i) the name of each executive board;
- (ii) the current statutory or constitutional authority for the creation of the executive board;
  - (iii) the sunset date on which each executive board's statutory authority expires;
- (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- (v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;
- (vi) the title of the position held by the person who appointed each member of the executive board;
- (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;
- (viii) whether members appointed to the executive board require the advice and consent of the Senate;
- (ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;
  - (x) the party affiliation of an individual appointed to an executive board, if the statute

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

- (xi) whether each executive board is a policy board or an advisory board;
- (xii) whether the executive board has or exercises rulemaking authority, or is a rulemaking board as defined in Section 63G-24-102; and
- (xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.
  - (4) The administrator shall ensure the governor's website includes:
  - (a) the information contained in the database, except for an individual's:
  - (i) physical address;
  - (ii) email address; and
  - (iii) telephone number;
- (b) a portal, accessible on each executive board's web page within the governor's website, through which a member of the public may provide input on:
  - (i) an individual appointed to serve on the executive board; or
  - (ii) a sitting member of the executive board;
  - (c) each report the administrator receives under Subsection (5); and
  - (d) the summary report described in Subsection (6).
- (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each executive board shall prepare and submit to the administrator a report that includes:
  - (i) the name of the executive board;
  - (ii) a description of the executive board's official function and purpose;
- (iii) a description of the actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);
- (iv) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and
  - (v) an indication of whether the executive board should continue to exist.
- (b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a).
- (6) (a) Before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a), the administrator shall prepare a report that includes:

- (i) as of July 1 of that year, the total number of executive boards that exist;
- (ii) a summary of the reports submitted to the administrator under Subsection (5), including:
  - (A) a list of each executive board that submitted a report under Subsection (5);
  - (B) a list of each executive board that did not submit a report under Subsection (5);
  - (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
- (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the executive board should no longer exist; and
- (iii) a list of each executive board, identified and reported by the Division of Archives and Record Services under Section 63A-16-601, that did not post a notice of a public meeting on the Utah Public Notice Website during the previous fiscal year.
- (b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:
  - (i) the president of the Senate;
  - (ii) the speaker of the House of Representatives; and
  - (iii) the Government Operations Interim Committee.
- (7) (a) On or before September 30, 2023, the administrator shall meet with the Division of Professional Licensing, the Insurance Department, the Department of Agriculture and Food, and the stakeholders involved with at least the following boards as part of the annual review of executive boards:
  - (i) the Landscape Architects Board;
  - (ii) the Professional Geologist Licensing Board;
  - (iii) the Bail Bond Oversight Board;
  - (iv) the Title and Escrow Commission; and
  - (v) the Horse Racing Commission.
  - (b) The review described in Subsection (7)(a) shall consider:
  - (i) the funding required for the executive board;
  - (ii) the staffing resources required for the executive board;
- (iii) the time members of the executive board are required to commit to serve on the executive board;

- (iv) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction;
- (v) the historical record of how many meetings the executive board held in the last five years and the agendas of the executive board;
  - (vi) the ability to fill vacancies and appointments to the executive board;
  - (vii) the statutory duties of the executive board; and
  - (viii) other items to make the best recommendations for the executive board.
- (8) (a) The administrator shall submit a report of the review described in Subsection (7)(b) to the Government Operations Interim Committee before October 17, 2023, recommending that the Legislature:
  - (i) repeal the executive board;
  - (ii) add a sunset or future repeal date to the executive board;
  - (iii) make other changes to make the executive board more efficient; or
  - (iv) make no changes to the executive board.
- (b) In conducting the review described in Subsection (7)(b), the administrator shall give deference to:
  - (i) reducing the size of government;
  - (ii) making governmental programs more efficient and effective; and
  - (iii) reducing the burdens of government on business.

Section  $\frac{75}{31}$ . Section 72-9-201 is amended to read:

- 72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.
- (1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the [governor] department.
  - (2) Each member of the board shall:
- (a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;
  - (b) be selected at large on a nonpartisan basis; and
- (c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.
  - (3) (a) Except as required by Subsection (3)(b), as terms of current board members

expire, the [governor] department shall appoint each new member or reappointed member to a four-year term.

- (b) The [governor] department shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (c) A member shall serve from the date of appointment until a replacement is appointed.
- (4) When a vacancy occurs in the membership for any reason, the [governor] department shall appoint the replacement to serve for the remainder of the unexpired term beginning the day following the day on which the vacancy occurs.
- (5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.
  - (6) The board shall meet at least twice per year or as needed when called by the chair.
- (7) Any three voting members constitute a quorum for the transaction of business that comes before the board.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) The board shall advise the department and the commission on interpretation, adoption, and implementation of this chapter and other motor carrier related issues.
  - (10) The department shall provide staff support to the board.

Section  $\{76\}$ 32. Repealer.

This bill repeals:

Section 4-38-101, Title.
Section 4-38-103, Utah Horse Racing Commission.
Section 4-38-105, Executive director.
Section 4-38-106, Public records.
Section 4-38-202, Stewards.

```
Section 19-2-109.2, Small business assistance program.
}
       Section 26-1-7.5, Health advisory council.
       Section 26-39-201, Residential Child Care Licensing Advisory Committee.
      Section 31A-2-401, Title.
       Section 31A-2-402, Definitions.
      Section 31A-2-403, Title and Escrow Commission created.
      Section 31A-2-404, Duties of the commissioner and Title and Escrow Commission.
      Section 31A-35-201, Bail Bond Oversight Board.
      Section 31A-35-202, Board responsibilities.
}
       Section 41-23-1, Enactment.
       Section 41-23-2, Text.
       Section 58-49-1, Short title.
       Section 58-49-3, Board created -- Duties.
      Section 58-53-101, Title.
       Section 58-53-201, Creation of board -- Duties.
       Section 58-71-201, Board.
}
       Section 58-75-101, Title.
       Section 58-75-201, Board.
       Section 58-76-101, Title.
       Section 58-76-201, Board.
}
       Section 58-77-201, Board.
       Section 58-83-101, Title.
       Section 58-83-201, Board.
       Section 63A-18-102, Definitions.
       Section 63A-18-201, Utah Transparency Advisory Board -- Creation --
Membership -- Duties.
```

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