

Senator Jacob L. Anderegg proposes the following substitute bill:

INVISIBLE CONDITION INFORMATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill concerns individuals with an invisible condition.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Public Safety and the Department of Health and Human Services to develop outreach materials concerning the invisible condition alert program;
- ▶ amends provisions relating to vehicle registration information concerning an individual with an invisible condition;
- ▶ amends provisions relating to license certificates, driving privilege cards, and identification cards concerning an individual with an invisible condition;
- ▶ requires the Department of Public Safety to ensure that information concerning an individual in the invisible condition alert program is immediately available to a dispatcher under certain circumstances;
- ▶ provides rulemaking authority to the Department of Public Safety to implement provisions of the invisible condition alert program;
- ▶ requires the Division of Professional Licensing to provide informational materials



26 to health care professionals regarding the invisible condition alert program;

27 ▶ provides governmental immunity with respect to the invisible condition alert

28 program; and

29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 [41-1a-213](#), as last amended by Laws of Utah 2022, Chapter 158
- 37 [53-3-207](#), as last amended by Laws of Utah 2022, Chapter 158
- 38 [53-3-805](#), as last amended by Laws of Utah 2022, Chapter 158
- 39 [63G-7-201](#), as last amended by Laws of Utah 2021, Chapter 352

40 ENACTS:

- 41 [26B-7-102](#), Utah Code Annotated 1953
- 42 [53-22-101](#), Utah Code Annotated 1953
- 43 [53-22-102](#), Utah Code Annotated 1953
- 44 [58-1-603](#), Utah Code Annotated 1953



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

47 Section 1. Section **26B-7-102** is enacted to read:

48 **26B-7-102. Invisible condition alert program education and outreach.**

49 (1) As used in this section:

50 (a) "Health care professional" means the same as that term is defined in Section

51 [53-3-207](#).

52 (b) "Invisible condition" means the same as that term is defined in Section [53-3-207](#).

53 (c) "Invisible condition alert program" means the same as that term is defined in

54 Section [53-22-101](#).

55 (2) In coordination with the Department of Public Safety as described in Section

56 [53-22-102](#), the department shall develop:

57 (a) informational materials that describe the availability of the invisible condition alert
58 program, including information on how an individual with an invisible condition may
59 participate in the program; and

60 (b) educational materials for health care professionals regarding the invisible condition
61 alert program.

62 (3) The materials described in Subsection (2) shall be made available to health care
63 professionals in accordance with Section [58-1-603](#).

64 Section 2. Section **41-1a-213** is amended to read:

65 **41-1a-213. Contents of registration cards.**

66 (1) As used in this section:

67 (a) "Health care professional" means the same as that term is defined in Section
68 [53-3-207](#).

69 (b) "Invisible condition" means the same as that term is defined in Section [53-3-207](#).

70 (c) "Invisible condition identification decal" means the decal created by the division
71 that incorporates the invisible condition identification symbol.

72 [~~(c)~~] (d) "Invisible condition identification symbol" means the same as that term is
73 defined in Section [53-3-207](#).

74 (2) The registration card shall be delivered to the owner and shall contain:

75 (a) the date issued;

76 (b) the name of the owner;

77 (c) a description of the vehicle registered including the year, the make, the
78 identification number, and the license plate assigned to the vehicle;

79 (d) the expiration date; and

80 (e) other information as determined by the commission.

81 (3) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:

82 (a) the owner's name; and

83 (b) the name of the lessee.

84 (4) On all vehicles registered under Subsections [41-1a-1206](#)(1)(d) and (1)(e), the
85 registration card shall also contain the gross laden weight as given in the application for
86 registration.

87 (5) (a) Except as provided in Subsection (5)(b), a new registration card issued by the

88 commission on or after November 1, 2013, may not display the address of the owner or the
89 lessee on the registration card.

90 (b) A new registration card issued by the commission under one of the following
91 provisions shall display the address of the owner or the lessee on the registration card:

92 (i) Section 41-1a-301 for a vehicle; or

93 (ii) Section 73-18-7 for a vessel.

94 (6) (a) ~~[The]~~ Except as provided in Subsection (6)(d)(ii), the division shall include on a
95 vehicle owner's vehicle registration database record in the division's vehicle registration
96 database an invisible condition identification symbol if:

97 (i) (A) the vehicle owner or an individual who is a regular driver of or passenger in the
98 vehicle owner's vehicle has an invisible condition; ~~[and]~~ or

99 ~~[(ii)]~~ (B) an individual with an invisible condition resides at the vehicle driver's
100 residence; and

101 (ii) the vehicle owner submits to the commission a request on a form prescribed by the
102 commission.

103 (b) A vehicle owner shall include in a request described in Subsection (6)(a):

104 (i) if the request is for an individual other than the vehicle owner, a declaration that the
105 individual is:

106 (A) a regular driver of or passenger in the vehicle; or

107 (B) a resident at the vehicle driver's residence;

108 (ii) written verification from a health care professional that the vehicle owner or other
109 individual described in Subsection (6)(a)(i) has an invisible condition; and

110 (iii) a waiver of liability signed by the individual with the invisible condition or the
111 individual's legal representative for the release of any medical information to:

112 (A) the commission;

113 (B) any person who has access to the individual's medical information as recorded on
114 the vehicle owner's vehicle registration database record or the Utah Criminal Justice
115 Information System; and

116 (C) any other person who may view or receive notice of the individual's medical
117 information by seeing the vehicle owner's vehicle registration database record or the
118 individual's information in the Utah Criminal Justice Information System.

119 (c) As part of the form described in Subsection ~~[(6)(b)]~~ (6)(a) and (b), the commission
120 shall advise the individual signing the waiver of liability that by submitting the signed waiver,
121 the individual consents to the release of the ~~[individual's]~~ individual with an invisible
122 condition's medical information to any person described in Subsections (6)(b)(iii)(A) through
123 (C), even if the person is otherwise ineligible to access the ~~[individual's]~~ individual with an
124 invisible condition's medical information under state or federal law.

125 (d) (i) The division:

126 (A) may not charge a fee to include an invisible condition identification symbol on a
127 vehicle owner's vehicle registration database record~~[-];~~ and

128 (B) shall confirm with the Division of Professional Licensing that the health care
129 professional described in Subsection (6)(b)(ii) holds a current state license.

130 (ii) If the division is unable to confirm that the health care professional described in
131 Subsection (6)(b)(ii) holds a current state license, the division shall deny the request described
132 in Subsection (6)(a).

133 (e) The inclusion of an invisible condition identification symbol on a vehicle owner's
134 vehicle registration database record in accordance with this section does not confer any legal
135 rights or privileges on the ~~[individual]~~ vehicle owner or the individual with an invisible
136 condition, including parking privileges for individuals with disabilities under Section
137 [41-1a-414](#).

138 (7) (a) For each individual who qualifies under this section to include an invisible
139 condition identification symbol in a vehicle owner's vehicle registration database record, the
140 division shall:

141 (i) include in the division's vehicle registration database a brief description of the
142 nature of the individual's invisible condition linked to the vehicle owner's vehicle registration
143 database record; and

144 (ii) provide an invisible condition identification decal that may be affixed to the vehicle
145 owner's vehicle, and instructions on where the invisible condition identification decal may be
146 placed on the vehicle, which the vehicle owner may affix to the vehicle at the vehicle owner's
147 discretion.

148 (b) The division shall provide the brief description described in Subsection (7)(a)(i) to
149 the Utah Criminal Justice Information System.

150 (c) Except as provided in Subsection (7)(b), the division may not release the
151 information described in Subsection (7)(a)(i).

152 (8) Within 30 days after the day on which the division receives [~~an individual's~~] a
153 vehicle owner's written request, the division shall:

154 (a) remove the invisible condition identification symbol and brief description described
155 in Subsection (7) from a vehicle owner's vehicle registration database record in the division's
156 vehicle registration database; and

157 (b) provide the updated vehicle registration database record to the Utah Criminal
158 Justice Information System.

159 (9) As provided in Section [63G-2-302](#), the information described in Subsection (6)(a)
160 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and
161 Management Act.

162 Section 3. Section **53-3-207** is amended to read:

163 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
164 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
165 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

166 (1) As used in this section:

167 (a) "Authorized guardian" means:

168 (i) the parent or legal guardian of a child who:

169 (A) is under 18 years old; and

170 (B) has an invisible condition; or

171 (ii) the legal guardian or conservator of an adult who:

172 (A) is 18 years old or older; and

173 (B) has an invisible condition.

174 (b) "Driving privilege" means the privilege granted under this chapter to drive a motor
175 vehicle.

176 (c) "First responder" means:

177 (i) a law enforcement officer, as defined in Section [53-13-103](#);

178 (ii) an emergency medical technician, as defined in Section [26-8c-102](#);

179 (iii) an advanced emergency medical technician, as defined in Section [26-8c-102](#);

180 (iv) a paramedic, as defined in Section [26-8c-102](#);

181 (v) a firefighter, as defined in Section 53B-8c-102; or

182 (vi) a dispatcher, as defined in Section 53-6-102.

183 ~~[(b)]~~ (d) "Governmental entity" means the state or a political subdivision of the state.

184 ~~[(c)]~~ (e) "Health care professional" means:

185 (i) a licensed physician, physician assistant, nurse practitioner, or mental health
186 therapist; or

187 (ii) any other licensed health care professional the division designates by rule made in
188 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

189 ~~[(d) "Political subdivision" means any county, city, town, school district, public transit
190 district, community reinvestment agency, special improvement or taxing district, local district,
191 special service district, an entity created by an interlocal agreement adopted under Title 11,
192 Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
193 corporation.]~~

194 ~~[(e)]~~ (f) "Invisible condition" means a physical or mental condition that may interfere
195 with an individual's ability to communicate with a ~~[law enforcement officer]~~ first responder,
196 including:

197 (i) a communication impediment;

198 (ii) hearing loss;

199 (iii) blindness or a visual impairment;

200 (iv) autism spectrum disorder;

201 (v) a drug allergy;

202 (vi) Alzheimer's disease or dementia;

203 (vii) post-traumatic stress disorder;

204 (viii) traumatic brain injury;

205 (ix) schizophrenia;

206 (x) epilepsy;

207 (xi) a developmental disability;

208 (xii) Down syndrome;

209 (xiii) diabetes;

210 (xiv) a heart condition; or

211 (xv) any other condition approved by the department.

212 [(f)] (g) "Invisible condition identification symbol" means a symbol or alphanumeric
213 code that indicates that an individual is an individual with an invisible condition.

214 (h) "Political subdivision" means any county, city, town, school district, public transit
215 district, community reinvestment agency, special improvement or taxing district, local district,
216 special service district, an entity created by an interlocal agreement adopted under Title 11,
217 Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
218 corporation.

219 [(g)] (i) "State" means this state, and includes any office, department, agency,
220 authority, commission, board, institution, hospital, college, university, children's justice center,
221 or other instrumentality of the state.

222 (2) (a) The division shall issue to every individual privileged to drive a motor vehicle, a
223 regular license certificate, a limited-term license certificate, or a driving privilege card
224 indicating the type or class of motor vehicle the individual may drive.

225 (b) An individual may not drive a class of motor vehicle unless granted the privilege in
226 that class.

227 (3) (a) Every regular license certificate, limited-term license certificate, or driving
228 privilege card shall bear:

229 (i) the distinguishing number assigned to the individual by the division;

230 (ii) the name, birth date, and Utah residence address of the individual;

231 (iii) a brief description of the individual for the purpose of identification;

232 (iv) any restrictions imposed on the license under Section 53-3-208;

233 (v) a photograph of the individual;

234 (vi) a photograph or other facsimile of the individual's signature;

235 (vii) an indication whether the individual intends to make an anatomical gift under
236 Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is
237 extended under Subsection 53-3-214(3); and

238 (viii) except as provided in Subsection (3)(b), if the individual states that the individual
239 is a veteran of the United States military on the application for a driver license in accordance
240 with Section 53-3-205 and provides verification that the individual was granted an honorable
241 or general discharge from the United States Armed Forces, an indication that the individual is a
242 United States military veteran for a regular license certificate or limited-term license certificate

243 issued on or after July 1, 2011.

244 (b) A regular license certificate or limited-term license certificate issued to an
245 individual younger than 21 years old on a portrait-style format as required in Subsection (7)(b)
246 is not required to include an indication that the individual is a United States military veteran
247 under Subsection (3)(a)(viii).

248 (c) A new license certificate issued by the division may not bear the individual's social
249 security number.

250 (d) (i) The regular license certificate, limited-term license certificate, or driving
251 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

252 (ii) The size, form, and color of the regular license certificate, limited-term license
253 certificate, or driving privilege card shall be as prescribed by the commissioner.

254 (iii) The commissioner may also prescribe the issuance of a special type of limited
255 regular license certificate, limited-term license certificate, or driving privilege card under
256 Subsection 53-3-220(4).

257 (4) (a) The division shall include or affix an invisible condition identification symbol
258 on an individual's regular license certificate, limited-term license certificate, or driving
259 privilege card if the individual or the individual's authorized guardian, on a form prescribed by
260 the department:

261 (i) requests the division to include the invisible condition identification symbol;

262 (ii) provides written verification from a health care professional that the individual is
263 an individual with an invisible condition; and

264 (iii) signs a waiver of liability for the release of any medical information to:

265 (A) the department;

266 (B) any person who has access to the individual's medical information as recorded on
267 the individual's driving record or the Utah Criminal Justice Information System under this
268 chapter; and

269 (C) any other person who may view or receive notice of the individual's medical
270 information by seeing the individual's regular license certificate, limited-term license
271 certificate, or driving privilege card or the individual's information in the Utah Criminal Justice
272 Information System.

273 (b) As part of the form described in Subsection (4)(a), the department shall advise the

274 individual or the individual's authorized guardian that by submitting the signed waiver, the
275 individual or the individual's authorized guardian consents to the release of the individual's
276 medical information to any person described in Subsections (4)(a)(iii)(A) through (C), even if
277 the person is otherwise ineligible to access the individual's medical information under state or
278 federal law.

279 (c) The division may not:

280 (i) charge a fee to include the invisible condition identification symbol on the
281 individual's regular license certificate, limited-term license certificate, or driving privilege card;
282 or

283 (ii) after including the invisible condition identification symbol on the individual's
284 previously issued regular license certificate, limited-term license certificate, or driving
285 privilege card, require the individual to provide subsequent written verification described in
286 Subsection (4)(a)(ii) to include the invisible condition identification symbol on the individual's
287 renewed or extended regular license certificate, limited-term license certificate, or driving
288 privilege card.

289 (d) The division shall confirm with the Division of Professional Licensing that the
290 health care professional described in Subsection (4)(a)(ii) holds a current state license.

291 ~~[(d)]~~ (e) The inclusion of an invisible condition identification symbol on an individual's
292 license certificate, limited-term license certificate, or driving privilege card in accordance with
293 Subsection (4)(a) does not confer any legal rights or privileges on the individual, including
294 parking privileges for individuals with disabilities under Section [41-1a-414](#).

295 ~~[(e)]~~ (f) For each individual issued a regular license certificate, limited-term license
296 certificate, or driving privilege card under this section that includes an invisible condition
297 identification symbol, the division shall include in the division's database a brief description of
298 the nature of the individual's invisible condition in the individual's record and provide the brief
299 description to the Utah Criminal Justice Information System.

300 ~~[(f)]~~ (g) Except as provided in this section, the division may not release the information
301 described in Subsection ~~[(4)(e)]~~ (4)(f).

302 ~~[(g)]~~ (h) Within 30 days after the day on which the division receives an individual's or
303 the individual's authorized guardian's written request, the division shall:

304 (i) remove from the individual's record in the division's database the invisible condition

305 identification symbol and the brief description described in Subsection [~~(4)(e)~~] (4)(f); and

306 (ii) provide the individual's updated record to the Utah Criminal Justice Information
307 System.

308 (5) As provided in Section [63G-2-302](#), the information described in Subsection (4)(a)
309 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and
310 Management Act.

311 (6) (a) (i) The division, upon determining after an examination that an applicant is
312 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
313 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
314 license certificate.

315 (ii) (A) The division shall issue a temporary regular license certificate or temporary
316 limited-term license certificate allowing the individual to drive a motor vehicle while the
317 division is completing the division's investigation to determine whether the individual is
318 entitled to be granted a driving privilege.

319 (B) A temporary regular license certificate or a temporary limited-term license
320 certificate issued under this Subsection (6) shall be recognized and have the same rights and
321 privileges as a regular license certificate or a limited-term license certificate.

322 (b) The temporary regular license certificate or temporary limited-term license
323 certificate shall be in the individual's immediate possession while driving a motor vehicle, and
324 the temporary regular license certificate or temporary limited-term license certificate is invalid
325 when the individual's regular license certificate or limited-term license certificate has been
326 issued or when, for good cause, the privilege has been refused.

327 (c) The division shall indicate on the temporary regular license certificate or temporary
328 limited-term license certificate a date after which the temporary regular license certificate or
329 temporary limited-term license certificate is not valid as a temporary license.

330 (d) (i) Except as provided in Subsection (6)(d)(ii), the division may not issue a
331 temporary driving privilege card or other temporary permit to an applicant for a driving
332 privilege card.

333 (ii) The division may issue a learner permit issued in accordance with Section
334 [53-3-210.5](#) to an applicant for a driving privilege card.

335 (7) (a) The division shall distinguish learner permits, temporary permits, regular

336 license certificates, limited-term license certificates, and driving privilege cards issued to any
337 individual younger than 21 years old by use of plainly printed information or the use of a color
338 or other means not used for other regular license certificates, limited-term license certificates,
339 or driving privilege cards.

340 (b) The division shall distinguish a regular license certificate, limited-term license
341 certificate, or driving privilege card issued to an individual younger than 21 years old by use of
342 a portrait-style format not used for other regular license certificates, limited-term license
343 certificates, or driving privilege cards and by plainly printing the date the regular license
344 certificate, limited-term license certificate, or driving privilege card holder is 21 years old.

345 (8) The division shall distinguish a limited-term license certificate by clearly indicating
346 on the document:

347 (a) that the limited-term license certificate is temporary; and

348 (b) the limited-term license certificate's expiration date.

349 (9) (a) The division shall only issue a driving privilege card to an individual whose
350 privilege was obtained without providing evidence of lawful presence in the United States as
351 required under Subsection [53-3-205](#)(8).

352 (b) The division shall distinguish a driving privilege card from a license certificate by:

353 (i) use of a format, color, font, or other means; and

354 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
355 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

356 (10) The provisions of Subsection (7)(b) do not apply to a learner permit, temporary
357 permit, temporary regular license certificate, temporary limited-term license certificate, or any
358 other temporary permit.

359 (11) The division shall issue temporary license certificates of the same nature, except
360 as to duration, as the license certificates that they temporarily replace, as are necessary to
361 implement applicable provisions of this section and Section [53-3-223](#).

362 (12) (a) A governmental entity may not accept a driving privilege card as proof of
363 personal identification.

364 (b) A driving privilege card may not be used as a document providing proof of an
365 individual's age for any government required purpose.

366 (13) An individual who violates Subsection (2)(b) is guilty of an infraction.

367 (14) Unless otherwise provided, the provisions, requirements, classes, endorsements,
368 fees, restrictions, and sanctions under this code apply to a:

369 (a) driving privilege in the same way as a license or limited-term license issued under
370 this chapter; and

371 (b) limited-term license certificate or driving privilege card in the same way as a
372 regular license certificate issued under this chapter.

373 Section 4. Section **53-3-805** is amended to read:

374 **53-3-805. Identification card -- Contents -- Specifications.**

375 (1) As used in this section:

376 (a) "Authorized guardian" means the same as that term is defined in Section [53-3-207](#).

377 (b) "Health care professional" means the same as that term is defined in Section
378 [53-3-207](#).

379 [~~(b)~~] (c) "Invisible condition" means the same as that term is defined in Section
380 [53-3-207](#).

381 [~~(c)~~] (d) "Invisible condition identification symbol" means the same as that term is
382 defined in Section [53-3-207](#).

383 (2) (a) The division shall issue an identification card that bears:

384 (i) the distinguishing number assigned to the individual by the division;

385 (ii) the name, birth date, and Utah residence address of the individual;

386 (iii) a brief description of the individual for the purpose of identification;

387 (iv) a photograph of the individual;

388 (v) a photograph or other facsimile of the individual's signature;

389 (vi) an indication whether the individual intends to make an anatomical gift under Title
390 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

391 (vii) if the individual states that the individual is a veteran of the United States military
392 on the application for an identification card in accordance with Section [53-3-804](#) and provides
393 verification that the individual received an honorable or general discharge from the United
394 States Armed Forces, an indication that the individual is a United States military veteran for a
395 regular identification card or a limited-term identification card issued on or after July 1, 2011.

396 (b) An identification card issued by the division may not bear the individual's Social
397 Security number or place of birth.

398 (3) (a) The card shall be of an impervious material, resistant to wear, damage, and
399 alteration.

400 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
401 prescribed by the commissioner.

402 (4) At the applicant's request, the card may include a statement that the applicant has a
403 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

404 (5) (a) The division shall include or affix an invisible condition identification symbol
405 on an individual's identification card if the individual or the individual's authorized guardian,
406 on a form prescribed by the department:

407 (i) requests the division to include the invisible condition identification symbol;

408 (ii) provides written verification from a health care professional that the individual is
409 an individual with an invisible condition; and

410 (iii) submits a signed waiver of liability for the release of any medical information to:

411 (A) the department;

412 (B) any person who has access to the individual's medical information as recorded on
413 the individual's driving record or the Utah Criminal Justice Information System under this
414 chapter; and

415 (C) any other person who may view or receive notice of the individual's medical
416 information by seeing the individual's [~~regular license certificate, limited-term license~~
417 ~~certificate, or driving privilege~~] identification card or the individual's information in the Utah
418 Criminal Justice Information System.

419 (b) As part of the form described in Subsection (5)(a), the department shall advise the
420 individual or the individual's authorized guardian that by submitting the request and signed
421 waiver, the individual or the individual's authorized guardian consents to the release of the
422 individual's medical information to any person described in Subsections (5)(a)(iii)(A) through
423 (C), even if the person is otherwise ineligible to access the individual's medical information
424 under state or federal law.

425 (c) The division may not:

426 (i) charge a fee to include the invisible condition identification symbol on the
427 individual's identification card; or

428 (ii) after including the invisible condition identification symbol on the individual's

429 previously issued identification card, require the individual to provide subsequent written
430 verification described in Subsection (5)(a)(ii) to include the invisible condition identification
431 symbol on the individual's extended identification card.

432 (d) The division shall confirm with the Division of Professional Licensing that the
433 health care professional described in Subsection (5)(a)(ii) holds a current state license.

434 (e) The inclusion of an invisible condition identification symbol on an individual's
435 identification card in accordance with Subsection (5)(a) does not confer any legal rights or
436 privileges on the individual, including parking privileges for individuals with disabilities under
437 Section [41-1a-414](#).

438 ~~(e)~~ (f) For each individual issued an identification card under this section that
439 includes an invisible condition identification symbol, the division shall include in the division's
440 database a brief description of the nature of the individual's invisible condition in the
441 individual's record and provide the brief description to the Utah Criminal Justice Information
442 System.

443 ~~(f)~~ (g) Except as provided in this section, the division may not release the information
444 described in Subsection ~~(5)(e)~~ (5)(f).

445 ~~(g)~~ (h) Within 30 days after the day on which the division receives an individual's or
446 the individual's authorized guardian's written request, the division shall:

447 (i) remove from the individual's record in the division's database the invisible condition
448 identification symbol and the brief description described in Subsection ~~(5)(e)~~ (5)(f); and

449 (ii) provide the individual's updated record to the Utah Criminal Justice Information
450 System.

451 (6) As provided in Section [63G-2-302](#), the information described in Subsection (5)(a)
452 is a private record for purposes of Title 63G, Chapter 2, Government Records Access and
453 Management Act.

454 (7) (a) The indication of intent under Subsection [53-3-804\(2\)\(j\)](#) shall be authenticated
455 by the applicant in accordance with division rule.

456 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
457 Management Act, the division may, upon request, release to an organ procurement
458 organization, as defined in Section [26-28-102](#), the names and addresses of all individuals who
459 under Subsection [53-3-804\(2\)\(j\)](#) indicate that they intend to make an anatomical gift.

460 (ii) An organ procurement organization may use released information only to:
461 (A) obtain additional information for an anatomical gift registry; and
462 (B) inform applicants of anatomical gift options, procedures, and benefits.
463 (8) Notwithstanding Title 63G, Chapter 2, Government Records Access and
464 Management Act, the division may release to the Department of Veterans and Military Affairs
465 the names and addresses of all individuals who indicate their status as a veteran under
466 Subsection [53-3-804\(2\)\(l\)](#).

467 (9) The division and the division's employees are not liable, as a result of false or
468 inaccurate information provided under Subsection [53-3-804\(2\)\(j\)](#) or (l), for direct or indirect:

- 469 (a) loss;
- 470 (b) detriment; or
- 471 (c) injury.

472 (10) (a) The division may issue a temporary regular identification card to an individual
473 while the individual obtains the required documentation to establish verification of the
474 information described in Subsections [53-3-804\(2\)\(a\)](#), (b), (c), (d), and (i)(i).

475 (b) A temporary regular identification card issued under this Subsection (10) shall be
476 recognized and grant the individual the same privileges as a regular identification card.

477 (c) A temporary regular identification card issued under this Subsection (10) is invalid:

- 478 (i) when the individual's regular identification card has been issued;
- 479 (ii) when, for good cause, an applicant's application for a regular identification card has
480 been refused; or
- 481 (iii) upon expiration of the temporary regular identification card.

482 Section 5. Section **53-22-101** is enacted to read:

483 **CHAPTER 22. INVISIBLE CONDITION ALERT PROGRAM**

484 **53-22-101. Definitions.**

485 As used in this chapter:

- 486 (1) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).
- 487 (2) "First responder" means the same as that term is defined in Section [53-3-207](#).
- 488 (3) "Invisible condition" means the same as that term is defined in Section [53-3-207](#).
- 489 (4) "Invisible condition alert program" means the voluntary disclosure of an invisible
490 condition in accordance with Subsection [41-1a-213\(6\)](#), [53-3-207\(4\)](#), or [53-3-805\(5\)](#).

491 Section 6. Section **53-22-102** is enacted to read:

492 **53-22-102. Invisible condition alert program -- Access to information -- Outreach**
493 **-- Administrative rulemaking.**

494 (1) If an individual elects to disclose the individual's invisible condition in accordance
495 with the invisible condition alert program, the department shall ensure that information
496 concerning the individual's invisible condition is immediately available to a dispatcher when
497 the dispatcher receives a report concerning the individual's:

498 (a) name;

499 (b) residence;

500 (c) motor vehicle registration in accordance with Subsections [41-1a-213\(6\)](#) and (7);

501 (d) license certificate or driving privilege card in accordance with Subsection

502 [53-3-207\(4\)](#); or

503 (e) identification card in accordance with Subsection [53-3-805\(5\)](#).

504 (2) The department shall prepare outreach materials concerning the invisible condition
505 alert program in coordination with the Department of Health and Human Services as described
506 in Section [26B-7-102](#).

507 (3) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative
508 Rulemaking Act, make rules to establish procedures for implementing this section.

509 Section 7. Section **58-1-603** is enacted to read:

510 **58-1-603. Invisible condition alert program information -- Health care**
511 **professionals.**

512 (1) As used in this section:

513 (a) "Health care professional" means the same as that term is defined in Section
514 [53-3-207](#).

515 (b) "Invisible condition" means the same as that term is defined in Section [53-3-207](#).

516 (c) "Invisible condition alert program" means the same as that term is defined in
517 Section [53-22-101](#).

518 (2) The division, in conjunction with the Department of Health and Human Services
519 created in Section [26B-1-201](#), shall provide information to each health care professional in the
520 state regarding the invisible condition alert program, including:

521 (a) access to informational materials described in Section [26B-7-102](#) that health care

522 professionals shall make available to patients; and

523 (b) access to educational materials for health care professionals regarding the invisible
524 condition alert program.

525 (3) A health care professional in this state shall make available to the health care
526 professional's patients the informational materials described in Subsection (2)(a).

527 (4) The division may, in accordance with Title 63G, Chapter 3, Utah Administrative
528 Rulemaking Act, make rules that establish procedures for implementing this section.

529 Section 8. Section **63G-7-201** is amended to read:

530 **63G-7-201. Immunity of governmental entities and employees from suit.**

531 (1) Except as otherwise provided in this chapter, each governmental entity and each
532 employee of a governmental entity are immune from suit for any injury that results from the
533 exercise of a governmental function.

534 (2) Notwithstanding the waiver of immunity provisions of Section **63G-7-301**, a
535 governmental entity, its officers, and its employees are immune from suit:

536 (a) as provided in Section **78B-4-517**; and

537 (b) for any injury or damage resulting from the implementation of or the failure to
538 implement measures to:

539 (i) control the causes of epidemic and communicable diseases and other conditions
540 significantly affecting the public health or necessary to protect the public health as set out in
541 Title 26A, Chapter 1, Local Health Departments;

542 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,
543 Chapter 23b, Detection of Public Health Emergencies Act;

544 (iii) respond to a national, state, or local emergency, a public health emergency as
545 defined in Section **26-23b-102**, or a declaration by the President of the United States or other
546 federal official requesting public health related activities, including the use, provision,
547 operation, and management of:

548 (A) an emergency shelter;

549 (B) housing;

550 (C) a staging place; or

551 (D) a medical facility; and

552 (iv) adopt methods or measures, in accordance with Section **26-1-30**, for health care

553 providers, public health entities, and health care insurers to coordinate among themselves to
554 verify the identity of the individuals they serve.

555 (3) A governmental entity, its officers, and its employees are immune from suit, and
556 immunity is not waived, for any injury if the injury arises out of or in connection with, or
557 results from:

558 (a) a latent dangerous or latent defective condition of:

559 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or
560 viaduct; or

561 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or

562 (b) a latent dangerous or latent defective condition of any public building, structure,
563 dam, reservoir, or other public improvement.

564 (4) A governmental entity, its officers, and its employees are immune from suit, and
565 immunity is not waived, for any injury proximately caused by a negligent act or omission of an
566 employee committed within the scope of employment, if the injury arises out of or in
567 connection with, or results from:

568 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
569 function, whether or not the discretion is abused;

570 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
571 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,
572 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation
573 of civil rights;

574 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
575 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
576 authorization;

577 (d) a failure to make an inspection or making an inadequate or negligent inspection;

578 (e) the institution or prosecution of any judicial or administrative proceeding, even if
579 malicious or without probable cause;

580 (f) a misrepresentation by an employee whether or not the misrepresentation is
581 negligent or intentional;

582 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

583 (h) the collection or assessment of taxes;

- 584 (i) an activity of the Utah National Guard;
- 585 (j) the incarceration of a person in a state prison, county or city jail, or other place of
586 legal confinement;
- 587 (k) a natural condition on publicly owned or controlled land;
- 588 (l) a condition existing in connection with an abandoned mine or mining operation;
- 589 (m) an activity authorized by the School and Institutional Trust Lands Administration
590 or the Division of Forestry, Fire, and State Lands;
- 591 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,
592 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,
593 if:
 - 594 (i) the trail is designated under a general plan adopted by a municipality under Section
595 10-9a-401 or by a county under Section 17-27a-401;
 - 596 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public
597 use as evidenced by a written agreement between:
 - 598 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail
599 is located; and
 - 600 (B) the municipality or county where the trail is located; and
 - 601 (iii) the written agreement:
 - 602 (A) contains a plan for operation and maintenance of the trail; and
 - 603 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way
604 where the trail is located has, at a minimum, the same level of immunity from suit as the
605 governmental entity in connection with or resulting from the use of the trail;
 - 606 (o) research or implementation of cloud management or seeding for the clearing of fog;
 - 607 (p) the management of flood waters, earthquakes, or natural disasters;
 - 608 (q) the construction, repair, or operation of flood or storm systems;
 - 609 (r) the operation of an emergency vehicle, while being driven in accordance with the
610 requirements of Section 41-6a-212;
 - 611 (s) the activity of:
 - 612 (i) providing emergency medical assistance;
 - 613 (ii) fighting fire;
 - 614 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

- 615 (iv) an emergency evacuation;
 - 616 (v) transporting or removing an injured person to a place where emergency medical
617 assistance can be rendered or where the person can be transported by a licensed ambulance
618 service; or
 - 619 (vi) intervening during a dam emergency;
 - 620 (t) the exercise or performance, or the failure to exercise or perform, any function
621 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
 - 622 (u) an unauthorized access to government records, data, or electronic information
623 systems by any person or entity;
 - 624 (v) an activity of wildlife, as defined in Section [23-13-2](#), that arises during the use of a
625 public or private road; [~~or~~]
 - 626 (w) a communication between employees of one or more law enforcement agencies
627 related to the employment, disciplinary history, character, professional competence, or physical
628 or mental health of a peace officer, or a former, current, or prospective employee of a law
629 enforcement agency, including any communication made in accordance with Section
630 [53-14-101](#)[~~;~~]; or
 - 631 (x) providing or failing to provide information under Subsection [41-1a-213](#)(6), (7), or
632 (8), [53-3-207](#)(4), [53-3-805](#)(5), or [53-22-102](#)(1).
- 633 Section 9. **Effective date.**
634 This bill takes effect on July 1, 2023.