

## SB0148S02 compared with SB0148

~~text~~ shows text that was in SB0148 but was deleted in SB0148S02.

text shows text that was not in SB0148 but was inserted into SB0148S02.

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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: ~~text~~ Steve Eliason

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#### 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;

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- ▶ 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 to health care professionals regarding the invisible condition alert program;
- ▶ provides governmental immunity with respect to the invisible condition alert program; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

**41-1a-213**, as last amended by Laws of Utah 2022, Chapter 158

**53-3-207**, as last amended by Laws of Utah 2022, Chapter 158

**53-3-805**, as last amended by Laws of Utah 2022, Chapter 158

**63G-7-201**, as last amended by Laws of Utah 2021, Chapter 352

ENACTS:

**26B-7-102**, Utah Code Annotated 1953

**53-22-101**, Utah Code Annotated 1953

**53-22-102**, Utah Code Annotated 1953

**58-1-603**, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

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

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53-3-207.

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

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

(2) In coordination with the Department of Public Safety as described in Section 53-22-102, the department shall develop:

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

(a) the date issued;

(b) the name of the owner;

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

(d) the expiration date; and

(e) other information as determined by the commission.

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

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- (a) the owner's name; and
- (b) the name of the lessee.

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

(5) (a) Except as provided in Subsection (5)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.

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

- (i) Section 41-1a-301 for a vehicle; or
- (ii) Section 73-18-7 for a vessel.

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

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

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

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

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

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

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

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

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

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

(A) the commission;

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

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

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

(d) (i) The division;

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

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

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

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

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

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

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(ii) provide ~~fa decal or other method of affixing }~~ an invisible condition identification symbol; decal that may be affixed to the vehicle owner's vehicle, and instructions on where the invisible condition identification decal may be placed on the vehicle, which the vehicle owner may affix to the vehicle at the vehicle owner's discretion.

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Authorized guardian" means:

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

(A) is under 18 years old; and

(B) has an invisible condition; or

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

(A) is 18 years old or older; and

(B) has an invisible condition.

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

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vehicle.

(c) "First responder" means:

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

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

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

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

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

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

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

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

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

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

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

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

(i) a communication impediment;

(ii) hearing loss;

(iii) blindness or a visual impairment;

(iv) autism spectrum disorder;

(v) a drug allergy;

(vi) Alzheimer's disease or dementia;

(vii) post-traumatic stress disorder;

(viii) traumatic brain injury;

(ix) schizophrenia;

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- (x) epilepsy;
- (xi) a developmental disability;
- (xii) Down syndrome;
- (xiii) diabetes;
- (xiv) a heart condition; or
- (xv) any other condition approved by the department.

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

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

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

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

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

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

- (i) the distinguishing number assigned to the individual by the division;
- (ii) the name, birth date, and Utah residence address of the individual;
- (iii) a brief description of the individual for the purpose of identification;
- (iv) any restrictions imposed on the license under Section 53-3-208;
- (v) a photograph of the individual;
- (vi) a photograph or other facsimile of the individual's signature;
- (vii) an indication whether the individual intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is



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extended under Subsection 53-3-214(3); and

(viii) except as provided in Subsection (3)(b), if the individual states that the individual is a veteran of the United States military on the application for a driver license in accordance with Section 53-3-205 and provides verification that the individual was granted an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular license certificate or limited-term license certificate issued on or after July 1, 2011.

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

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

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

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

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

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

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

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

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

(A) the department;

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

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chapter; and

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

(b) As part of the form described in Subsection (4)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsections (4)(a)(iii)(A) through (C), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not:

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

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

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

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

~~(e)~~ (f) For each individual issued a regular license certificate, limited-term license certificate, or driving privilege card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief

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description to the Utah Criminal Justice Information System.

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

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

(i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection ~~[(4)(e)]~~ (4)(f); and

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

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

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

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

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

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

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

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

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

(7) (a) The division shall distinguish learner permits, temporary permits, regular license certificates, limited-term license certificates, and driving privilege cards issued to any individual younger than 21 years old by use of plainly printed information or the use of a color or other means not used for other regular license certificates, limited-term license certificates, or driving privilege cards.

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

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

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

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

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

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

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

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

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

(11) The division shall issue temporary license certificates of the same nature, except as to duration, as the license certificates that they temporarily replace, as are necessary to

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implement applicable provisions of this section and Section 53-3-223.

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

(iv) a photograph of the individual;

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

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

(vii) if the individual states that the individual is a veteran of the United States military

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on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

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

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

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

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

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

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

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

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

(A) the department;

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

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

(b) As part of the form described in Subsection (5)(a), the department shall advise the individual or the individual's authorized guardian that by submitting the request and signed waiver, the individual or the individual's authorized guardian consents to the release of the individual's medical information to any person described in Subsections (5)(a)(iii)(A) through

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(C), even if the person is otherwise ineligible to access the individual's medical information under state or federal law.

(c) The division may not:

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

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

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

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

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

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

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

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

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

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

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

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

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(8) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

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

(a) loss;

(b) detriment; or

(c) injury.

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

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

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

(i) when the individual's regular identification card has been issued;

(ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

(iii) upon expiration of the temporary regular identification card.

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

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

#### **53-22-101. Definitions.**



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As used in this chapter:

(1) "Dispatcher" means the same as that term is defined in Section 53-6-102.

(2) "First responder" means the same as that term is defined in Section 53-3-207.

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

(4) "Invisible condition alert program" means the voluntary disclosure of an invisible condition in accordance with Subsection 41-1a-213(6), 53-3-207(4), or 53-3-805(5).

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

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

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

(a) name;

(b) residence;

(c) motor vehicle registration in accordance with Subsections 41-1a-213(6) and (7);

(d) license certificate or driving privilege card in accordance with Subsection 53-3-207(4); or

(e) identification card in accordance with Subsection 53-3-805(5).

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

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

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

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

(1) As used in this section:

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

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

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

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

(a) access to informational materials described in Section 26B-7-102 that health care professionals shall make available to patients; and

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

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

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

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

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

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

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

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

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

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

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

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

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operation, and management of:

(A) an emergency shelter;

(B) housing;

(C) a staging place; or

(D) a medical facility; and

(iv) adopt methods or measures, in accordance with Section 26-1-30, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) the collection or assessment of taxes;

(i) an activity of the Utah National Guard;

(j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;

(k) a natural condition on publicly owned or controlled land;

(l) a condition existing in connection with an abandoned mine or mining operation;

(m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;

(n) the operation or existence of a pedestrian or equestrian trail that is along a ditch, canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river, if:

(i) the trail is designated under a general plan adopted by a municipality under Section 10-9a-401 or by a county under Section 17-27a-401;

(ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between:

(A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and

(B) the municipality or county where the trail is located; and

(iii) the written agreement:

(A) contains a plan for operation and maintenance of the trail; and

(B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail is located has, at a minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from the use of the trail;

(o) research or implementation of cloud management or seeding for the clearing of fog;

(p) the management of flood waters, earthquakes, or natural disasters;

(q) the construction, repair, or operation of flood or storm systems;

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(r) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6a-212;

(s) the activity of:

(i) providing emergency medical assistance;

(ii) fighting fire;

(iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

(iv) an emergency evacuation;

(v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or

(vi) intervening during a dam emergency;

(t) the exercise or performance, or the failure to exercise or perform, any function pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

(u) an unauthorized access to government records, data, or electronic information systems by any person or entity;

(v) an activity of wildlife, as defined in Section 23-13-2, that arises during the use of a public or private road; [or]

(w) a communication between employees of one or more law enforcement agencies related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-101[-]; or

(x) providing or failing to provide information under Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), 53-3-805(5), or 53-22-102(1).

Section 9. **Effective date.**

This bill takes effect on July 1, 2023.