

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 provide a form and information concerning participation in the invisible condition alert program;
- ▶ requires local law enforcement agencies to input certain information regarding an individual with an invisible condition and ensure that certain information is immediately available to a dispatcher under certain circumstances;
- ▶ provides rulemaking authority to the Department of Public Safety to implement



- 26 provisions of the invisible condition alert program;
- 27 ▶ requires the Division of Professional Licensing to provide informational materials
- 28 to health care professionals regarding the invisible condition alert program;
- 29 ▶ provides governmental immunity with respect to the invisible condition alert
- 30 program; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 [41-1a-213](#), as last amended by Laws of Utah 2022, Chapter 158
- 39 [53-3-207](#), as last amended by Laws of Utah 2022, Chapter 158
- 40 [53-3-805](#), as last amended by Laws of Utah 2022, Chapter 158
- 41 [63G-7-201](#), as last amended by Laws of Utah 2021, Chapter 352

42 ENACTS:

- 43 [26B-7-102](#), Utah Code Annotated 1953
- 44 [53-22-101](#), Utah Code Annotated 1953
- 45 [53-22-102](#), Utah Code Annotated 1953
- 46 [58-1-603](#), Utah Code Annotated 1953

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

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

50 **26B-7-102. Invisible condition alert program education and outreach.**

51 (1) As used in this section:

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

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

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

57 (2) In coordination with the Department of Public Safety as described in Section
58 53-22-102, the department shall develop:

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

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

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

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

67 **41-1a-213. Contents of registration cards.**

68 (1) As used in this section:

69 (a) "Health care professional" means the same as that term is defined in Section
70 53-3-207.

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

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

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

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

77 (a) the date issued;

78 (b) the name of the owner;

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

81 (d) the expiration date; and

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

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

84 (a) the owner's name; and

85 (b) the name of the lessee.

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

88 registration.

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

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

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

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

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

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

101 ~~[(it)]~~ (B) an individual with an invisible condition resides at the vehicle driver's
102 residence; and

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

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

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

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

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

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

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

114 (A) the commission;

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

118 (C) any other person who may view or receive notice of the individual's medical

119 information by seeing the vehicle owner's vehicle registration database record or the
120 individual's information in the Utah Criminal Justice Information System.

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

127 (d) (i) The division;

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

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

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

135 (e) The inclusion of an invisible condition identification symbol on a vehicle owner's
136 vehicle registration database record in accordance with this section does not confer any legal
137 rights or privileges on the ~~[individual]~~ vehicle owner or the individual with an invisible
138 condition, including parking privileges for individuals with disabilities under Section
139 [41-1a-414](#).

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

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

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

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

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

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

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

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

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

164 Section 3. Section [53-3-207](#) is amended to read:

165 **[53-3-207. License certificates or driving privilege cards issued to drivers by class](#)**
166 **[of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary](#)**
167 **[licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.](#)**

168 (1) As used in this section:

169 (a) "Authorized guardian" means:

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

171 (A) is under 18 years old; and

172 (B) has an invisible condition; or

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

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

175 (B) has an invisible condition.

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

178 (c) "First responder" means:

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

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

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

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

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

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

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

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

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

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

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

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

199 (i) a communication impediment;

200 (ii) hearing loss;

201 (iii) blindness or a visual impairment;

202 (iv) autism spectrum disorder;

203 (v) a drug allergy;

204 (vi) Alzheimer's disease or dementia;

205 (vii) post-traumatic stress disorder;

206 (viii) traumatic brain injury;

207 (ix) schizophrenia;

208 (x) epilepsy;

209 (xi) a developmental disability;

210 (xii) Down syndrome;

211 (xiii) diabetes;

212 (xiv) a heart condition; or

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

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

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

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

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

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

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

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

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

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

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

235 (v) a photograph of the individual;

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

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

240 (viii) except as provided in Subsection (3)(b), if the individual states that the individual
241 is a veteran of the United States military on the application for a driver license in accordance
242 with Section 53-3-205 and provides verification that the individual was granted an honorable

243 or general discharge from the United States Armed Forces, an indication that the individual is a
244 United States military veteran for a regular license certificate or limited-term license certificate
245 issued on or after July 1, 2011.

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

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

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

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

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

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

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

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

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

267 (A) the department;

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

271 (C) any other person who may view or receive notice of the individual's medical
272 information by seeing the individual's regular license certificate, limited-term license

273 certificate, or driving privilege card or the individual's information in the Utah Criminal Justice

274 Information System[-];

275 (D) a local law enforcement agency that receives a copy of the form described in this
276 Subsection (4)(a) and enters the contents of the form into the local law enforcement agency's
277 record management system or computer-aided dispatch system; and

278 (E) a dispatcher who accesses the information regarding the individual's invisible
279 condition through the use of a local law enforcement agency's record management system or
280 computer-aided dispatch system.

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

287 (c) The division may not:

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

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

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

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

303 [~~(f)~~] (f) For each individual issued a regular license certificate, limited-term license
304 certificate, or driving privilege card under this section that includes an invisible condition

305 identification symbol, the division shall include in the division's database a brief description of
306 the nature of the individual's invisible condition in the individual's record and provide the brief
307 description to the Utah Criminal Justice Information System.

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

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

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

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

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

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

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

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

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

335 (c) The division shall indicate on the temporary regular license certificate or temporary

336 limited-term license certificate a date after which the temporary regular license certificate or
337 temporary limited-term license certificate is not valid as a temporary license.

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

341 (ii) The division may issue a learner permit issued in accordance with Section
342 53-3-210.5 to an applicant for a driving privilege card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

382 **53-3-805. Identification card -- Contents -- Specifications.**

383 (1) As used in this section:

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

385 (b) "Health care professional" means the same as that term is defined in Section
386 [53-3-207](#).

387 [~~(b)~~] (c) "Invisible condition" means the same as that term is defined in Section
388 [53-3-207](#).

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

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

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

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

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

395 (iv) a photograph of the individual;

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

397 (vi) an indication whether the individual intends to make an anatomical gift under Title

398 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

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

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

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

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

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

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

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

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

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

419 (A) the department;

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

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

427 (D) a local law enforcement agency that receives a copy of the form described in this
428 Subsection (5)(a) and enters the contents of the form into the local law enforcement agency's

429 record management system or computer-aided dispatch system; and

430 (E) a dispatcher who accesses the information regarding the individual's invisible
431 condition through the use of a local law enforcement agency's record management system or
432 computer-aided dispatch system.

433 (b) As part of the form described in Subsection (5)(a), the department shall advise the
434 individual or the individual's authorized guardian that by submitting the request and signed
435 waiver, the individual or the individual's authorized guardian consents to the release of the
436 individual's medical information to any person described in Subsections (5)(a)(iii)(A) through
437 [~~(E)~~] (E), even if the person is otherwise ineligible to access the individual's medical
438 information under state or federal law.

439 (c) The division may not:

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

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

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

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

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

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

459 [~~(g)~~] (h) Within 30 days after the day on which the division receives an individual's or

460 the individual's authorized guardian's written request, the division shall:

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

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

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

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

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

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

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

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

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

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

483 (a) loss;

484 (b) detriment; or

485 (c) injury.

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

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

- 491 (c) A temporary regular identification card issued under this Subsection (10) is invalid:
492 (i) when the individual's regular identification card has been issued;
493 (ii) when, for good cause, an applicant's application for a regular identification card has
494 been refused; or
495 (iii) upon expiration of the temporary regular identification card.

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

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

498 **53-22-101. Definitions.**

499 As used in this chapter:

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

501 (2) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).

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

503 (4) "Health care professional" means the same as that term is defined in Section
504 [53-3-207](#).

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

506 (6) "Invisible condition alert program" means the voluntary disclosure of an invisible
507 condition in accordance with Section [53-22-102](#) or Subsection [41-1a-213](#)(6), [53-3-207](#)(4), or
508 [53-3-805](#)(5).

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

510 **53-22-102. Invisible condition alert program -- Access to information -- Outreach**
511 **-- Administrative rulemaking.**

512 (1) If an individual or an individual's authorized guardian elects to disclose the
513 individual's invisible condition to the individual's local law enforcement agency in accordance
514 with the invisible condition alert program, the department shall provide the individual or the
515 individual's authorized guardian with:

516 (a) a form that contains the information described in Subsection [53-3-207](#)(4) or
517 [53-3-805](#)(5); and

518 (b) instructions on how the individual or the individual's authorized guardian may
519 submit the form described in Subsection (1)(a) to the individual's local law enforcement
520 agency.

521 (2) Upon receipt of a completed form described in Subsection (1)(a), a local law

522 enforcement agency shall enter information into the law enforcement agency's record
523 management system or computer-aided dispatch system regarding the individual's election to
524 disclose the individual's invisible condition, including the individual's:

- 525 (a) name;
- 526 (b) residence; and
- 527 (c) invisible condition as reported by the individual and verified by the individual's
528 health care professional.

529 (3) A local law enforcement agency shall ensure that the information described in
530 Subsection (2) is readily available to a dispatcher when the dispatcher receives a report
531 concerning the name or the address of an individual with an invisible condition who has been
532 entered into the local law enforcement agency's record management system or computer-aided
533 dispatch system.

534 (4) (a) Within 30 days after the day on which a local law enforcement agency receives
535 an individual's or an individual's authorized guardian's written request, the local law
536 enforcement agency shall remove the information regarding the individual's invisible condition
537 from the local law enforcement agency's record management system or computer-aided
538 dispatch system.

539 (b) If a local law enforcement agency becomes aware that the individual described in
540 Subsection (2) has permanently moved from the individual's residence described in Subsection
541 (2), the local law enforcement agency may remove the information regarding the individual's
542 invisible condition from the local law enforcement agency's record management system or
543 computer-aided dispatch system.

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

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

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

550 **58-1-603. Invisible condition alert program information -- Health care**
551 **professionals.**

552 (1) As used in this section:

553 (a) "Health care professional" means the same as that term is defined in Section
554 53-3-207.

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

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

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

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

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

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

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

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

570 **63G-7-201. Immunity of governmental entities and employees from suit.**

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

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

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

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

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

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

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

- 588 (A) an emergency shelter;
- 589 (B) housing;
- 590 (C) a staging place; or
- 591 (D) a medical facility; and

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

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

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

- 599 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or
600 viaduct; or
- 601 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or
- 602 (b) a latent dangerous or latent defective condition of any public building, structure,
603 dam, reservoir, or other public improvement.

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

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

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

614 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,

615 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
616 authorization;

617 (d) a failure to make an inspection or making an inadequate or negligent inspection;
618 (e) the institution or prosecution of any judicial or administrative proceeding, even if
619 malicious or without probable cause;

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

622 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
623 (h) the collection or assessment of taxes;

624 (i) an activity of the Utah National Guard;

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

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

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

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

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

634 (i) the trail is designated under a general plan adopted by a municipality under Section
635 [10-9a-401](#) or by a county under Section [17-27a-401](#);

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

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

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

641 (iii) the written agreement:

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

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

- 646 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 647 (p) the management of flood waters, earthquakes, or natural disasters;
- 648 (q) the construction, repair, or operation of flood or storm systems;
- 649 (r) the operation of an emergency vehicle, while being driven in accordance with the
- 650 requirements of Section [41-6a-212](#);
- 651 (s) the activity of:
- 652 (i) providing emergency medical assistance;
- 653 (ii) fighting fire;
- 654 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 655 (iv) an emergency evacuation;
- 656 (v) transporting or removing an injured person to a place where emergency medical
- 657 assistance can be rendered or where the person can be transported by a licensed ambulance
- 658 service; or
- 659 (vi) intervening during a dam emergency;
- 660 (t) the exercise or performance, or the failure to exercise or perform, any function
- 661 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
- 662 (u) an unauthorized access to government records, data, or electronic information
- 663 systems by any person or entity;
- 664 (v) an activity of wildlife, as defined in Section [23-13-2](#), that arises during the use of a
- 665 public or private road; ~~or~~
- 666 (w) a communication between employees of one or more law enforcement agencies
- 667 related to the employment, disciplinary history, character, professional competence, or physical
- 668 or mental health of a peace officer, or a former, current, or prospective employee of a law
- 669 enforcement agency, including any communication made in accordance with Section
- 670 [53-14-101](#)~~[-]~~; or
- 671 (x) providing or failing to provide information under Section [53-22-102](#) or Subsection
- 672 [41-1a-213](#)(6), (7), or (8), [53-3-207](#)(4), or [53-3-805](#)(5).

Section 9. **Effective date.**

This bill takes effect on July 1, 2023.