

1 **REVISOR'S TECHNICAL CORRECTIONS TO UTAH CODE**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Jefferson Moss

3 **LONG TITLE**

4 **General Description:**

5 This bill makes technical changes to provisions of the Utah Code.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ modifies parts of the Utah Code to make technical corrections, including:
- 9 • eliminating or correcting references involving repealed provisions;
 - 10 • eliminating redundant or obsolete language;
 - 11 • making minor wording changes;
 - 12 • updating cross-references; and
 - 13 • correcting numbering and other errors.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **13-61-102**, as enacted by Laws of Utah 2022, Chapter 462

21 **15A-5-203**, as last amended by Laws of Utah 2023, Chapters 95, 327

22 **17-27a-403**, as last amended by Laws of Utah 2023, Chapters 88, 238

23 **17-27a-408**, as last amended by Laws of Utah 2023, Chapters 88, 501 and 529 and last
24 amended by Coordination Clause, Laws of Utah 2023, Chapter 88

25 **23A-4-704**, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and
26 amended by Laws of Utah 2023, Chapter 103

27 **26B-4-123 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah 2023,
28 Chapter 307

- 29 **32B-6-205.4**, as enacted by Laws of Utah 2018, Chapter 249
30 **32B-6-305.4**, as enacted by Laws of Utah 2018, Chapter 249
31 **32B-6-905.3**, as enacted by Laws of Utah 2018, Chapter 249
32 **34A-2-424**, as enacted by Laws of Utah 2017, Chapter 53
33 **35A-8-509**, as last amended by Laws of Utah 2022, Chapter 406
34 **35A-16-503**, as enacted by Laws of Utah 2022, Chapter 403
35 **35A-16-703**, as enacted by Laws of Utah 2023, Chapter 302
36 **41-1a-419**, as last amended by Laws of Utah 2023, Chapter 33
37 **49-20-415**, as enacted by Laws of Utah 2017, Chapter 53
38 **52-4-204**, as last amended by Laws of Utah 2022, Chapters 169, 422
39 **52-4-207**, as last amended by Laws of Utah 2023, Chapter 100
40 **53-2a-206**, as last amended by Laws of Utah 2021, Chapter 437
41 **53G-5-405**, as last amended by Laws of Utah 2023, Chapter 343
42 **53G-6-603**, as last amended by Laws of Utah 2022, Chapter 329
43 **58-37-7**, as last amended by Laws of Utah 2023, Chapters 285, 329
44 **58-37-19**, as last amended by Laws of Utah 2023, Chapters 285, 329
45 **58-67-305**, as last amended by Laws of Utah 2022, Chapter 233
46 **58-68-305**, as last amended by Laws of Utah 2022, Chapter 233
47 **58-71-305**, as last amended by Laws of Utah 2018, Chapter 35
48 **63A-17-808**, as enacted by Laws of Utah 2023, Chapter 279
49 **63G-2-107**, as last amended by Laws of Utah 2023, Chapter 173
50 **63I-1-219**, as last amended by Laws of Utah 2022, Chapter 194
51 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
52 212, 218, 249, 270, 448, 489, and 534
53 **63I-2-272**, as last amended by Laws of Utah 2023, Chapter 33
54 **71A-8-103 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 328 and
55 renumbered and amended by Laws of Utah 2023, Chapter 44
56 **73-2-1**, as last amended by Laws of Utah 2023, Chapter 16
57 **76-3-203.3**, as last amended by Laws of Utah 2023, Chapter 111
58 **76-3-402**, as last amended by Laws of Utah 2023, Chapter 132
59 **76-5-207**, as last amended by Laws of Utah 2023, Chapter 415
60 **78B-14-102**, as last amended by Laws of Utah 2015, Chapter 45
61 **78B-25-114**, as enacted by Laws of Utah 2023, Chapter 488
62 REPEALS:

63 **11-26-101**, as enacted by Laws of Utah 2018, Chapter 283
64 **63A-18-101**, as enacted by Laws of Utah 2021, Chapter 84

65

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

67 Section 1. Section **13-61-102** is amended to read:

68 **13-61-102 . Applicability.**

69 (1) This chapter applies to any controller or processor who:

70 (a) (i) conducts business in the state; or

71 (ii) produces a product or service that is targeted to consumers who are residents of
72 the state;

73 (b) has annual revenue of \$25,000,000 or more; and

74 (c) satisfies one or more of the following thresholds:

75 (i) during a calendar year, controls or processes personal data of 100,000 or more
76 consumers; or

77 (ii) derives over 50% of the entity's gross revenue from the sale of personal data and
78 controls or processes personal data of 25,000 or more consumers.

79 (2) This chapter does not apply to:

80 (a) a governmental entity or a third party under contract with a governmental entity
81 when the third party is acting on behalf of the governmental entity;

82 (b) a tribe;

83 (c) an institution of higher education;

84 (d) a nonprofit corporation;

85 (e) a covered entity;

86 (f) a business associate;

87 (g) information that meets the definition of:

88 (i) protected health information for purposes of the federal Health Insurance
89 Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and
90 related regulations;

91 (ii) patient identifying information for purposes of 42 C.F.R. Part 2;

92 (iii) identifiable private information for purposes of the Federal Policy for the
93 Protection of Human Subjects, 45 C.F.R. Part 46;

94 (iv) identifiable private information or personal data collected as part of human
95 subjects research pursuant to or under the same standards as:

96 (A) the good clinical practice guidelines issued by the International Council for

- 97 Harmonisation; or
- 98 (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional
- 99 Review Boards under 21 C.F.R. Part 56;
- 100 (v) personal data used or shared in research conducted in accordance with one or
- 101 more of the requirements described in Subsection (2)(g)(iv);
- 102 (vi) information and documents created specifically for, and collected and maintained
- 103 by, a committee but not a board or council listed in [~~Section 26-1-7~~] Section
- 104 26B-1-204;
- 105 (vii) information and documents created for purposes of the federal Health Care
- 106 Quality Improvement Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related
- 107 regulations;
- 108 (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or
- 109 (ix) information that is:
- 110 (A) deidentified in accordance with the requirements for deidentification set forth
- 111 in 45 C.F.R. Part 164; and
- 112 (B) derived from any of the health care-related information listed in this
- 113 Subsection (2)(g);
- 114 (h) information originating from, and intermingled to be indistinguishable with,
- 115 information under Subsection (2)(g) that is maintained by:
- 116 (i) a health care facility or health care provider; or
- 117 (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;
- 118 (i) information used only for public health activities and purposes as described in 45
- 119 C.F.R. Sec. 164.512;
- 120 (j) (i) an activity by:
- 121 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;
- 122 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who
- 123 provides information for use in a consumer report, as defined in 15 U.S.C. Sec.
- 124 1681a; or
- 125 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;
- 126 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
- 127 1681 et seq.; and
- 128 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
- 129 any personal data bearing on a consumer's:
- 130 (A) credit worthiness;

- 131 (B) credit standing;
- 132 (C) credit capacity;
- 133 (D) character;
- 134 (E) general reputation;
- 135 (F) personal characteristics; or
- 136 (G) mode of living;
- 137 (k) a financial institution or an affiliate of a financial institution governed by, or personal
- 138 data collected, processed, sold, or disclosed in accordance with, Title V of the
- 139 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 140 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
- 141 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 142 (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20
- 143 U.S.C. Sec. 1232g, and related regulations;
- 144 (n) personal data collected, processed, sold, or disclosed in accordance with the federal
- 145 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 146 (o) data that are processed or maintained:
- 147 (i) in the course of an individual applying to, being employed by, or acting as an
- 148 agent or independent contractor of a controller, processor, or third party, to the
- 149 extent the collection and use of the data are related to the individual's role;
- 150 (ii) as the emergency contact information of an individual described in Subsection
- 151 (2)(o)(i) and used for emergency contact purposes; or
- 152 (iii) to administer benefits for another individual relating to an individual described in
- 153 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 154 (p) an individual's processing of personal data for purely personal or household
- 155 purposes; or
- 156 (q) an air carrier.
- 157 (3) A controller is in compliance with any obligation to obtain parental consent under this
- 158 chapter if the controller complies with the verifiable parental consent mechanisms under
- 159 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's
- 160 implementing regulations and exemptions.
- 161 (4) This chapter does not require a person to take any action in conflict with the federal
- 162 Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et
- 163 seq., or related regulations.
- 164 Section 2. Section **15A-5-203** is amended to read:

165 **15A-5-203 . Amendments and additions to IFC related to fire safety, building,**
166 **and site requirements.**

167 (1) For IFC, Chapter 5, Fire Service Features:

168 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as
169 follows: "An authority having jurisdiction over a structure built in accordance with
170 the requirements of the International Residential Code as adopted in the State
171 Construction Code, may require an automatic fire sprinkler system for the structure
172 only by ordinance and only if any of the following conditions exist:

173 (i) the structure:

174 (A) is located in an urban-wildland interface area as provided in the Utah
175 Wildland Urban Interface Code adopted as a construction code under the State
176 Construction Code; and

177 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203
178 (4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for
179 County Wildland Fire Ordinance;

180 (ii) the structure is in an area where a public water distribution system with fire
181 hydrants does not exist as required in Utah Administrative Code, R309-550-5,
182 Water Main Design;

183 (iii) the only fire apparatus access road has a grade greater than 10% for more than
184 500 continual feet;

185 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit
186 exceeds 10,000 square feet; or

187 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit
188 is double the average of the total floor area of all floor levels of unsprinkled
189 homes in the subdivision that are no larger than 10,000 square feet.

190 (vi) Exception: A single family dwelling does not require a fire sprinkler system if
191 the dwelling:

192 (A) is located outside the wildland urban interface;

193 (B) is built in a one-lot subdivision; and

194 (C) has 50 feet of defensible space on all sides that limits the propensity of fire
195 spreading from the dwelling to another property."

196 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
197 follows: "Where access to or within a structure or an area is restricted because of
198 secured openings or where immediate access is necessary for life-saving or

199 fire-fighting purposes, the fire code official, after consultation with the building
200 owner, may require a key box to be installed in an approved location. The key box
201 shall contain keys to gain necessary access as required by the fire code official. For
202 each fire jurisdiction that has at least one building with a required key box, the fire
203 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that
204 creates a process to ensure that each key to each key box is properly accounted for
205 and secure."

206 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is
207 added as follows: "Fire flow may be reduced for an isolated one- and two-family
208 dwelling when the authority having jurisdiction over the dwelling determines that the
209 development of a full fire-flow requirement is impractical."

210 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
211 "507.1.2 Pre-existing subdivision lots.

212 The requirements for a pre-existing subdivision lot shall not exceed the requirements
213 described in Section 501.5."

214 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One
215 interior and one detached accessory dwelling unit on a single residential lot."

216 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in
217 new buildings, is amended by adding: "When required by the fire code official," at
218 the beginning of the first paragraph.

219 (2) For IFC, Chapter 6, Building Services and Systems:

220 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as
221 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key
222 box or similar box with corresponding key system that is adjacent to the elevator for
223 immediate use by the fire department. The key box shall contain one key for each
224 elevator, one key for lobby control, and any other keys necessary for emergency
225 service. The elevator key box shall be accessed using a 6049 numbered key."

226 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after
227 the word "Code", add the words "and NFPA 96".

228 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1
229 hood is not required for a cooking appliance in a microenterprise home kitchen, as
230 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains
231 a permit in accordance with [~~Utah Code, Title 26, Chapter 15c, Microenterprise~~
232 ~~Home Kitchen Act~~] Section 26B-7-416."

233 (3) For IFC, Chapter 7, Fire and Smoke Protection Features, IFC, Chapter 7, Section 705.2,
 234 is amended to add the following: "Exception: In Group E Occupancies, where the
 235 corridor serves an occupant load greater than 30 and the building does not have an
 236 automatic fire sprinkler system installed, the door closers may be of the friction
 237 hold-open type on classrooms' doors with a rating of 20 minutes or less only."

238 Section 3. Section **17-27a-403** is amended to read:

239 **17-27a-403 . Plan preparation.**

240 (1) (a) The planning commission shall provide notice, as provided in Section 17-27a-203,
 241 of the planning commission's intent to make a recommendation to the county
 242 legislative body for a general plan or a comprehensive general plan amendment when
 243 the planning commission initiates the process of preparing the planning commission's
 244 recommendation.

245 (b) The planning commission shall make and recommend to the legislative body a
 246 proposed general plan for:

247 (i) the unincorporated area within the county; or

248 (ii) if the planning commission is a planning commission for a mountainous planning
 249 district, the mountainous planning district.

250 (c) (i) The plan may include planning for incorporated areas if, in the planning
 251 commission's judgment, they are related to the planning of the unincorporated
 252 territory or of the county as a whole.

253 (ii) Elements of the county plan that address incorporated areas are not an official
 254 plan or part of a municipal plan for any municipality, unless the county plan is
 255 recommended by the municipal planning commission and adopted by the
 256 governing body of the municipality.

257 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
 258 and descriptive and explanatory matter, shall include the planning commission's
 259 recommendations for the following plan elements:

260 (i) a land use element that:

261 (A) designates the long-term goals and the proposed extent, general distribution,
 262 and location of land for housing for residents of various income levels,
 263 business, industry, agriculture, recreation, education, public buildings and
 264 grounds, open space, and other categories of public and private uses of land as
 265 appropriate;

266 (B) includes a statement of the projections for and standards of population density

- 267 and building intensity recommended for the various land use categories
268 covered by the plan;
- 269 (C) is coordinated to integrate the land use element with the water use and
270 preservation element; and
- 271 (D) accounts for the effect of land use categories and land uses on water demand;
- 272 (ii) a transportation and traffic circulation element that:
- 273 (A) provides the general location and extent of existing and proposed freeways,
274 arterial and collector streets, public transit, active transportation facilities, and
275 other modes of transportation that the planning commission considers
276 appropriate;
- 277 (B) addresses the county's plan for residential and commercial development
278 around major transit investment corridors to maintain and improve the
279 connections between housing, employment, education, recreation, and
280 commerce; and
- 281 (C) correlates with the population projections, the employment projections, and
282 the proposed land use element of the general plan;
- 283 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
284 housing element that:
- 285 (A) provides a realistic opportunity to meet the need for additional moderate
286 income housing within the next five years;
- 287 (B) selects three or more moderate income housing strategies described in
288 Subsection (2)(b)(ii) for implementation; and
- 289 (C) includes an implementation plan as provided in Subsection (2)(e);
- 290 (iv) a resource management plan detailing the findings, objectives, and policies
291 required by Subsection 17-27a-401(3); and
- 292 (v) a water use and preservation element that addresses:
- 293 (A) the effect of permitted development or patterns of development on water
294 demand and water infrastructure;
- 295 (B) methods of reducing water demand and per capita consumption for future
296 development;
- 297 (C) methods of reducing water demand and per capita consumption for existing
298 development; and
- 299 (D) opportunities for the county to modify the county's operations to eliminate
300 practices or conditions that waste water.

- 301 (b) In drafting the moderate income housing element, the planning commission:
- 302 (i) shall consider the Legislature's determination that counties should facilitate a
- 303 reasonable opportunity for a variety of housing, including moderate income
- 304 housing:
- 305 (A) to meet the needs of people of various income levels living, working, or
- 306 desiring to live or work in the community; and
- 307 (B) to allow people with various incomes to benefit from and fully participate in
- 308 all aspects of neighborhood and community life; and
- 309 (ii) shall include an analysis of how the county will provide a realistic opportunity for
- 310 the development of moderate income housing within the planning horizon,
- 311 including a recommendation to implement three or more of the following
- 312 moderate income housing strategies:
- 313 (A) rezone for densities necessary to facilitate the production of moderate income
- 314 housing;
- 315 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
- 316 facilitates the construction of moderate income housing;
- 317 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
- 318 stock into moderate income housing;
- 319 (D) identify and utilize county general fund subsidies or other sources of revenue
- 320 to waive construction related fees that are otherwise generally imposed by the
- 321 county for the construction or rehabilitation of moderate income housing;
- 322 (E) create or allow for, and reduce regulations related to, internal or detached
- 323 accessory dwelling units in residential zones;
- 324 (F) zone or rezone for higher density or moderate income residential development
- 325 in commercial or mixed-use zones, commercial centers, or employment centers;
- 326 (G) amend land use regulations to allow for higher density or new moderate
- 327 income residential development in commercial or mixed-use zones near major
- 328 transit investment corridors;
- 329 (H) amend land use regulations to eliminate or reduce parking requirements for
- 330 residential development where a resident is less likely to rely on the resident's
- 331 own vehicle, such as residential development near major transit investment
- 332 corridors or senior living facilities;
- 333 (I) amend land use regulations to allow for single room occupancy developments;
- 334 (J) implement zoning incentives for moderate income units in new developments;

- 335 (K) preserve existing and new moderate income housing and subsidized units by
336 utilizing a landlord incentive program, providing for deed restricted units
337 through a grant program, or establishing a housing loss mitigation fund;
- 338 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 339 (M) demonstrate creation of, or participation in, a community land trust program
340 for moderate income housing;
- 341 (N) implement a mortgage assistance program for employees of the county, an
342 employer that provides contracted services for the county, or any other public
343 employer that operates within the county;
- 344 (O) apply for or partner with an entity that applies for state or federal funds or tax
345 incentives to promote the construction of moderate income housing, an entity
346 that applies for programs offered by the Utah Housing Corporation within that
347 agency's funding capacity, an entity that applies for affordable housing
348 programs administered by the Department of Workforce Services, an entity
349 that applies for services provided by a public housing authority to preserve and
350 create moderate income housing, or any other entity that applies for programs
351 or services that promote the construction or preservation of moderate income
352 housing;
- 353 (P) demonstrate utilization of a moderate income housing set aside from a
354 community reinvestment agency, redevelopment agency, or community
355 development and renewal agency to create or subsidize moderate income
356 housing;
- 357 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter
358 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 359 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
360 accessory dwelling unit as defined in Section 10-9a-530;
- 361 (S) create a program to transfer development rights for moderate income housing;
- 362 (T) ratify a joint acquisition agreement with another local political subdivision for
363 the purpose of combining resources to acquire property for moderate income
364 housing;
- 365 (U) develop a moderate income housing project for residents who are disabled or
366 55 years old or older;
- 367 (V) create or allow for, and reduce regulations related to, multifamily residential
368 dwellings compatible in scale and form with detached single-family residential

369 dwellings and located in walkable communities within residential or mixed-use
370 zones; and

371 (W) demonstrate implementation of any other program or strategy to address the
372 housing needs of residents of the county who earn less than 80% of the area
373 median income, including the dedication of a local funding source to moderate
374 income housing or the adoption of a land use ordinance that requires 10% or
375 more of new residential development in a residential zone be dedicated to
376 moderate income housing.

377 [~~(iii)~~] (c) If a specified county, as defined in Section 17-27a-408, has created a small
378 public transit district, as defined in Section 17B-2a-802, on or before January 1,
379 2022, the specified county shall include as part of the specified county's
380 recommended strategies under Subsection (2)(b)(ii) a recommendation to implement
381 the strategy described in Subsection (2)(b)(ii)(Q).

382 [~~(iv)~~] (d) The planning commission shall identify each moderate income housing strategy
383 recommended to the legislative body for implementation by restating the exact
384 language used to describe the strategy in Subsection (2)(b)(ii).

385 [~~(v)~~] (e) In drafting the land use element, the planning commission shall:

- 386 (i) identify and consider each agriculture protection area within the unincorporated
387 area of the county or mountainous planning district;
- 388 (ii) avoid proposing a use of land within an agriculture protection area that is
389 inconsistent with or detrimental to the use of the land for agriculture; and
- 390 (iii) consider and coordinate with any station area plans adopted by municipalities
391 located within the county under Section 10-9a-403.1.

392 [~~(v)~~] (f) In drafting the transportation and traffic circulation element, the planning
393 commission shall:

- 394 (i) (A) consider and coordinate with the regional transportation plan developed by
395 the county's region's metropolitan planning organization, if the relevant areas
396 of the county are within the boundaries of a metropolitan planning
397 organization; or
- 398 (B) consider and coordinate with the long-range transportation plan developed by
399 the Department of Transportation, if the relevant areas of the county are not
400 within the boundaries of a metropolitan planning organization; and
- 401 (ii) consider and coordinate with any station area plans adopted by municipalities
402 located within the county under Section 10-9a-403.1.

- 403 ~~[(e)]~~ (g) (i) In drafting the implementation plan portion of the moderate income
404 housing element as described in Subsection (2)(a)(iii)(C), the planning
405 commission shall recommend to the legislative body the establishment of a
406 five-year timeline for implementing each of the moderate income housing
407 strategies selected by the county for implementation.
- 408 (ii) The timeline described in Subsection ~~[(2)(e)(i)]~~ (2)(g)(i) shall:
- 409 (A) identify specific measures and benchmarks for implementing each moderate
410 income housing strategy selected by the county; and
- 411 (B) provide flexibility for the county to make adjustments as needed.
- 412 ~~[(f)]~~ (h) In drafting the water use and preservation element, the planning commission:
- 413 (i) shall consider applicable regional water conservation goals recommended by the
414 Division of Water Resources;
- 415 (ii) shall consult with the Division of Water Resources for information and technical
416 resources regarding regional water conservation goals, including how
417 implementation of the land use element and water use and preservation element
418 may affect the Great Salt Lake;
- 419 (iii) shall notify the community water systems serving drinking water within the
420 unincorporated portion of the county and request feedback from the community
421 water systems about how implementation of the land use element and water use
422 and preservation element may affect:
- 423 (A) water supply planning, including drinking water source and storage capacity
424 consistent with Section 19-4-114; and
- 425 (B) water distribution planning, including master plans, infrastructure asset
426 management programs and plans, infrastructure replacement plans, and impact
427 fee facilities plans;
- 428 (iv) shall consider the potential opportunities and benefits of planning for
429 regionalization of public water systems;
- 430 (v) shall consult with the Department of Agriculture and Food for information and
431 technical resources regarding the potential benefits of agriculture conservation
432 easements and potential implementation of agriculture water optimization projects
433 that would support regional water conservation goals;
- 434 (vi) shall notify an irrigation or canal company located in the county so that the
435 irrigation or canal company can be involved in the protection and integrity of the
436 irrigation or canal company's delivery systems;

- 437 (vii) shall include a recommendation for:
- 438 (A) water conservation policies to be determined by the county; and
- 439 (B) landscaping options within a public street for current and future development
- 440 that do not require the use of lawn or turf in a parkstrip;
- 441 (viii) shall review the county's land use ordinances and include a recommendation for
- 442 changes to an ordinance that promotes the inefficient use of water;
- 443 (ix) shall consider principles of sustainable landscaping, including the:
- 444 (A) reduction or limitation of the use of lawn or turf;
- 445 (B) promotion of site-specific landscape design that decreases stormwater runoff
- 446 or runoff of water used for irrigation;
- 447 (C) preservation and use of healthy trees that have a reasonable water requirement
- 448 or are resistant to dry soil conditions;
- 449 (D) elimination or regulation of ponds, pools, and other features that promote
- 450 unnecessary water evaporation;
- 451 (E) reduction of yard waste; and
- 452 (F) use of an irrigation system, including drip irrigation, best adapted to provide
- 453 the optimal amount of water to the plants being irrigated;
- 454 (x) may include recommendations for additional water demand reduction strategies,
- 455 including:
- 456 (A) creating a water budget associated with a particular type of development;
- 457 (B) adopting new or modified lot size, configuration, and landscaping standards
- 458 that will reduce water demand for new single family development;
- 459 (C) providing one or more water reduction incentives for existing landscapes and
- 460 irrigation systems and installation of water fixtures or systems that minimize
- 461 water demand;
- 462 (D) discouraging incentives for economic development activities that do not
- 463 adequately account for water use or do not include strategies for reducing
- 464 water demand; and
- 465 (E) adopting water concurrency standards requiring that adequate water supplies
- 466 and facilities are or will be in place for new development; and
- 467 (xi) shall include a recommendation for low water use landscaping standards for a
- 468 new:
- 469 (A) commercial, industrial, or institutional development;
- 470 (B) common interest community, as defined in Section 57-25-102; or

- 471 (C) multifamily housing project.
- 472 (3) The proposed general plan may include:
- 473 (a) an environmental element that addresses:
- 474 (i) to the extent not covered by the county's resource management plan, the
- 475 protection, conservation, development, and use of natural resources, including the
- 476 quality of:
- 477 (A) air;
- 478 (B) forests;
- 479 (C) soils;
- 480 (D) rivers;
- 481 (E) groundwater and other waters;
- 482 (F) harbors;
- 483 (G) fisheries;
- 484 (H) wildlife;
- 485 (I) minerals; and
- 486 (J) other natural resources; and
- 487 (ii) (A) the reclamation of land, flood control, prevention and control of the
- 488 pollution of streams and other waters;
- 489 (B) the regulation of the use of land on hillsides, stream channels and other
- 490 environmentally sensitive areas;
- 491 (C) the prevention, control, and correction of the erosion of soils;
- 492 (D) the preservation and enhancement of watersheds and wetlands; and
- 493 (E) the mapping of known geologic hazards;
- 494 (b) a public services and facilities element showing general plans for sewage, water,
- 495 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for
- 496 them, police and fire protection, and other public services;
- 497 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 498 programs for:
- 499 (i) historic preservation;
- 500 (ii) the diminution or elimination of a development impediment as defined in Section
- 501 17C-1-102; and
- 502 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 503 public building sites;
- 504 (d) an economic element composed of appropriate studies and forecasts, as well as an

- 505 economic development plan, which may include review of existing and projected
 506 county revenue and expenditures, revenue sources, identification of basic and
 507 secondary industry, primary and secondary market areas, employment, and retail
 508 sales activity;
- 509 (e) recommendations for implementing all or any portion of the general plan, including
 510 the adoption of land and water use ordinances, capital improvement plans,
 511 community development and promotion, and any other appropriate action;
- 512 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
 513 (3)(a)(i); and
- 514 (g) any other element the county considers appropriate.

515 Section 4. Section **17-27a-408** is amended to read:

516 **17-27a-408 . Moderate income housing report -- Contents -- Prioritization for**
 517 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- 518 (1) As used in this section:
- 519 (a) "Division" means the Housing and Community Development Division within the
 520 Department of Workforce Services.
- 521 (b) "Implementation plan" means the implementation plan adopted as part of the
 522 moderate income housing element of a specified county's general plan as provided in
 523 Subsection [~~17-27a-403(2)(e)~~] 17-27a-403(2)(g).
- 524 (c) "Initial report" means the one-time moderate income housing report described in
 525 Subsection (2).
- 526 (d) "Moderate income housing strategy" means a strategy described in Subsection
 527 17-27a-403(2)(b)(ii).
- 528 (e) "Report" means an initial report or a subsequent report.
- 529 (f) "Specified county" means a county of the first, second, or third class, which has a
 530 population of more than 5,000 in the county's unincorporated areas.
- 531 (g) "Subsequent progress report" means the annual moderate income housing report
 532 described in Subsection (3).
- 533 (2) (a) The legislative body of a specified county shall annually submit an initial report
 534 to the division.
- 535 (b) (i) This Subsection (2)(b) applies to a county that is not a specified county as of
 536 January 1, 2023.
- 537 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one
 538 class to another or grows in population to qualify as a specified county, the county

539 shall submit an initial plan to the division on or before August 1 of the first
540 calendar year beginning on January 1 in which the county qualifies as a specified
541 county.

542 (c) The initial report shall:

543 (i) identify each moderate income housing strategy selected by the specified county
544 for continued, ongoing, or one-time implementation, using the exact language
545 used to describe the moderate income housing strategy in Subsection 17-27a-403
546 (2)(b)(ii); and

547 (ii) include an implementation plan.

548 (3) (a) After the division approves a specified county's initial report under this section,
549 the specified county shall, as an administrative act, annually submit to the division a
550 subsequent progress report on or before August 1 of each year after the year in which
551 the specified county is required to submit the initial report.

552 (b) The subsequent progress report shall include:

553 (i) subject to Subsection (3)(c), a description of each action, whether one-time or
554 ongoing, taken by the specified county during the previous 12-month period to
555 implement the moderate income housing strategies identified in the initial report
556 for implementation;

557 (ii) a description of each land use regulation or land use decision made by the
558 specified county during the previous 12-month period to implement the moderate
559 income housing strategies, including an explanation of how the land use
560 regulation or land use decision supports the specified county's efforts to
561 implement the moderate income housing strategies;

562 (iii) a description of any barriers encountered by the specified county in the previous
563 12-month period in implementing the moderate income housing strategies;

564 (iv) information regarding the number of internal and external or detached accessory
565 dwelling units located within the specified county for which the specified county:

566 (A) issued a building permit to construct; or

567 (B) issued a business license or comparable license or permit to rent;

568 (v) a description of how the market has responded to the selected moderate income
569 housing strategies, including the number of entitled moderate income housing
570 units or other relevant data; and

571 (vi) any recommendations on how the state can support the specified county in
572 implementing the moderate income housing strategies.

- 573 (c) For purposes of describing actions taken by a specified county under Subsection
574 (3)(b)(i), the specified county may include an ongoing action taken by the specified
575 county prior to the 12-month reporting period applicable to the subsequent progress
576 report if the specified county:
- 577 (i) has already adopted an ordinance, approved a land use application, made an
578 investment, or approved an agreement or financing that substantially promotes the
579 implementation of a moderate income housing strategy identified in the initial
580 report; and
 - 581 (ii) demonstrates in the subsequent progress report that the action taken under
582 Subsection (3)(c)(i) is relevant to making meaningful progress towards the
583 specified county's implementation plan.
- 584 (d) A specified county's report shall be in a form:
- 585 (i) approved by the division; and
 - 586 (ii) made available by the division on or before May 1 of the year in which the report
587 is required.
- 588 (4) Within 90 days after the day on which the division receives a specified county's report,
589 the division shall:
- 590 (a) post the report on the division's website;
 - 591 (b) send a copy of the report to the Department of Transportation, the Governor's Office
592 of Planning and Budget, the association of governments in which the specified
593 county is located, and, if the unincorporated area of the specified county is located
594 within the boundaries of a metropolitan planning organization, the appropriate
595 metropolitan planning organization; and
 - 596 (c) subject to Subsection (5), review the report to determine compliance with this section.
- 597 (5) (a) An initial report does not comply with this section unless the report:
- 598 (i) includes the information required under Subsection (2)(c);
 - 599 (ii) subject to Subsection (5)(c), demonstrates to the division that the specified county
600 made plans to implement three or more moderate income housing strategies; and
601 (iii) is in a form approved by the division.
- 602 (b) A subsequent progress report does not comply with this section unless the report:
- 603 (i) subject to Subsection (5)(c), demonstrates to the division that the specified county
604 made plans to implement three or more moderate income housing strategies;
 - 605 (ii) is in a form approved by the division; and
 - 606 (iii) provides sufficient information for the division to:

- 607 (A) assess the specified county's progress in implementing the moderate income
608 housing strategies;
- 609 (B) monitor compliance with the specified county's implementation plan;
- 610 (C) identify a clear correlation between the specified county's land use decisions
611 and efforts to implement the moderate income housing strategies;
- 612 (D) identify how the market has responded to the specified county's selected
613 moderate income housing strategies; and
- 614 (E) identify any barriers encountered by the specified county in implementing the
615 selected moderate income housing strategies.
- 616 (c) (i) This Subsection (5)(c) applies to a specified county that has created a small
617 public transit district, as defined in Section 17B-2a-802, on or before January 1,
618 2022.
- 619 (ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a
620 specified county described in Subsection (5)(c)(i) does not comply with this
621 section unless the report demonstrates to the division that the specified county:
- 622 (A) made plans to implement the moderate income housing strategy described in
623 Subsection 17-27a-403(2)(b)(ii)(Q); and
- 624 (B) is in compliance with Subsection 63N-3-603(8).
- 625 (6) (a) A specified county qualifies for priority consideration under this Subsection (6) if
626 the specified county's report:
- 627 (i) complies with this section; and
- 628 (ii) demonstrates to the division that the specified county made plans to implement
629 five or more moderate income housing strategies.
- 630 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c),
631 give priority consideration to transportation projects located within the
632 unincorporated areas of a specified county described in Subsection (6)(a) until the
633 Department of Transportation receives notice from the division under Subsection
634 (6)(e).
- 635 (c) Upon determining that a specified county qualifies for priority consideration under
636 this Subsection (6), the division shall send a notice of prioritization to the legislative
637 body of the specified county and the Department of Transportation.
- 638 (d) The notice described in Subsection (6)(c) shall:
- 639 (i) name the specified county that qualifies for priority consideration;
- 640 (ii) describe the funds or projects for which the specified county qualifies to receive

- 641 priority consideration; and
- 642 (iii) state the basis for the division's determination that the specified county qualifies
- 643 for priority consideration.
- 644 (e) The division shall notify the legislative body of a specified county and the
- 645 Department of Transportation in writing if the division determines that the specified
- 646 county no longer qualifies for priority consideration under this Subsection (6).
- 647 (7) (a) If the division, after reviewing a specified county's report, determines that the
- 648 report does not comply with this section, the division shall send a notice of
- 649 noncompliance to the legislative body of the specified county.
- 650 (b) A specified county that receives a notice of noncompliance may:
- 651 (i) cure each deficiency in the report within 90 days after the day on which the notice
- 652 of noncompliance is sent; or
- 653 (ii) request an appeal of the division's determination of noncompliance within 10
- 654 days after the day on which the notice of noncompliance is sent.
- 655 (c) The notice described in Subsection (7)(a) shall:
- 656 (i) describe each deficiency in the report and the actions needed to cure each
- 657 deficiency;
- 658 (ii) state that the specified county has an opportunity to:
- 659 (A) submit to the division a corrected report that cures each deficiency in the
- 660 report within 90 days after the day on which the notice of noncompliance is
- 661 sent; or
- 662 (B) submit to the division a request for an appeal of the division's determination of
- 663 noncompliance within 10 days after the day on which the notice of
- 664 noncompliance is sent; and
- 665 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
- 666 specified county's ineligibility for funds and fees owed under Subsection (9).
- 667 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
- 668 action needed to cure the deficiency as described by the division requires the
- 669 specified county to make a legislative change, the specified county may cure the
- 670 deficiency by making that legislative change within the 90-day cure period.
- 671 (e) (i) If a specified county submits to the division a corrected report in accordance
- 672 with Subsection (7)(b)(i), and the division determines that the corrected report
- 673 does not comply with this section, the division shall send a second notice of
- 674 noncompliance to the legislative body of the specified county.

- 675 (ii) A specified county that receives a second notice of noncompliance may request
676 an appeal of the division's determination of noncompliance within 10 days after
677 the day on which the second notice of noncompliance is sent.
- 678 (iii) The notice described in Subsection (7)(e)(i) shall:
- 679 (A) state that the specified county has an opportunity to submit to the division a
680 request for an appeal of the division's determination of noncompliance within
681 10 days after the day on which the second notice of noncompliance is sent; and
682 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
683 specified county's ineligibility for funds under Subsection (9).
- 684 (8) (a) A specified county that receives a notice of noncompliance under Subsection
685 (7)(a) or (7)(e)(i) may request an appeal of the division's determination of
686 noncompliance within 10 days after the day on which the notice of noncompliance is
687 sent.
- 688 (b) Within 90 days after the day on which the division receives a request for an appeal,
689 an appeal board consisting of the following three members shall review and issue a
690 written decision on the appeal:
- 691 (i) one individual appointed by the Utah Association of Counties;
692 (ii) one individual appointed by the Utah Homebuilders Association; and
693 (iii) one individual appointed by the presiding member of the association of
694 governments, established pursuant to an interlocal agreement under Title 11,
695 Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.
- 696 (c) The written decision of the appeal board shall either uphold or reverse the division's
697 determination of noncompliance.
- 698 (d) The appeal board's written decision on the appeal is final.
- 699 (9) (a) A specified county is ineligible for funds and owes a fee under this Subsection (9)
700 if:
- 701 (i) the specified county fails to submit a report to the division;
702 (ii) after submitting a report to the division, the division determines that the report
703 does not comply with this section and the specified county fails to:
- 704 (A) cure each deficiency in the report within 90 days after the day on which the
705 notice of noncompliance is sent; or
706 (B) request an appeal of the division's determination of noncompliance within 10
707 days after the day on which the notice of noncompliance is sent;
708 (iii) after submitting to the division a corrected report to cure the deficiencies in a

- 709 previously-submitted report, the division determines that the corrected report does
710 not comply with this section and the specified county fails to request an appeal of
711 the division's determination of noncompliance within 10 days after the day on
712 which the second notice of noncompliance is sent; or
- 713 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
714 issues a written decision upholding the division's determination of noncompliance.
- 715 (b) The following apply to a specified county described in Subsection (9)(a) until the
716 division provides notice under Subsection (9)(e):
- 717 (i) the executive director of the Department of Transportation may not program funds
718 from the Transportation Investment Fund of 2005, including the Transit
719 Transportation Investment Fund, to projects located within the unincorporated
720 areas of the specified county in accordance with Subsection 72-2-124(6);
- 721 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee
722 to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the
723 specified county:
- 724 (A) fails to submit the report to the division in accordance with this section,
725 beginning the day after the day on which the report was due; or
- 726 (B) fails to cure the deficiencies in the report, beginning the day after the day by
727 which the cure was required to occur as described in the notice of
728 noncompliance under Subsection (7); and
- 729 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee
730 to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the
731 specified county, for a consecutive year:
- 732 (A) fails to submit the report to the division in accordance with this section,
733 beginning the day after the day on which the report was due; or
- 734 (B) fails to cure the deficiencies in the report, beginning the day after the day by
735 which the cure was required to occur as described in the notice of
736 noncompliance under Subsection (7).
- 737 (c) Upon determining that a specified county is ineligible for funds under this
738 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the
739 division shall send a notice of ineligibility to the legislative body of the specified
740 county, the Department of Transportation, the State Tax Commission, and the
741 Governor's Office of Planning and Budget.
- 742 (d) The notice described in Subsection (9)(c) shall:

- 743 (i) name the specified county that is ineligible for funds;
 744 (ii) describe the funds for which the specified county is ineligible to receive;
 745 (iii) describe the fee the specified county is required to pay under Subsection (9)(b),
 746 if applicable; and
 747 (iv) state the basis for the division's determination that the specified county is
 748 ineligible for funds.
- 749 (e) The division shall notify the legislative body of a specified county and the
 750 Department of Transportation in writing if the division determines that the provisions
 751 of this Subsection (9) no longer apply to the specified county.
- 752 (f) The division may not determine that a specified county that is required to pay a fee
 753 under Subsection (9)(b) is in compliance with the reporting requirements of this
 754 section until the specified county pays all outstanding fees required under Subsection
 755 (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8,
 756 Part 5, Olene Walker Housing Loan Fund.

757 (10) In a civil action seeking enforcement or claiming a violation of this section or of
 758 Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded
 759 only injunctive or other equitable relief.

760 Section 5. Section **23A-4-704** is amended to read:

761 **23A-4-704 . Bear hunting permit.**

- 762 (1) A person 12 years old or older may apply for or obtain a permit to take bear as provided
 763 by a rule or proclamation of the Wildlife Board upon:
 764 (a) paying the [eougar-ør] bear hunting permit fee established by the Wildlife Board; and
 765 (b) possessing a valid hunting or combination license.
- 766 (2) A person 11 years old may apply for or obtain a bear hunting permit consistent with the
 767 requirements of Subsection (1) if that person's 12th birthday falls within the calendar
 768 year in which the permit is issued.
- 769 (3) The division shall use one dollar of a bear permit fee collected from a resident for the
 770 hunter education program.

771 Section 6. Section **26B-4-123** is amended to read:

772 **26B-4-123 (Superseded 07/01/24). Out-of-state vehicles.**

- 773 (1) An ambulance or emergency response vehicle from another state may not pick up a
 774 patient in Utah to transport that patient to another location in Utah or to another state
 775 without a permit issued under Section [26B-2-318] 26B-4-118 and, in the case of an
 776 ambulance, a license issued under this part for ambulance and paramedic providers.

777 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
778 another state may, without a permit or license:

- 779 (a) transport a patient into Utah; and
780 (b) provide assistance in time of disaster.

781 (3) The department may enter into agreements with ambulance and paramedic providers
782 and their respective licensing agencies from other states to assure the expeditious
783 delivery of emergency medical services beyond what may be reasonably provided by
784 licensed ambulance and paramedic providers, including the transportation of patients
785 between states.

786 Section 7. Section **32B-6-205.4** is amended to read:

787 **32B-6-205.4 . Small full-service restaurant licensee -- Exemption.**

788 (1) Notwithstanding the provisions of Section [~~32B-6-205-0F~~] 32B-6-205.2 and subject to
789 Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing
790 area of a small full-service restaurant licensee if:

- 791 (a) seating in the dispensing area is the only seating available for patrons on the licensed
792 premises;
793 (b) the minor is accompanied by an individual who is 21 years [~~of age~~] old or older; and
794 (c) the small full-service restaurant licensee applies for and obtains approval from the
795 department to seat minors in the dispensing area in accordance with this section.

796 (2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.

797 (3) The department shall:

- 798 (a) grant an approval described in Subsection (1)(c) if the small full-service restaurant
799 licensee demonstrates that the small full-service restaurant licensee meets the
800 requirements described in Subsection 32B-6-202(3); and
801 (b) for each application described in Subsection (1)(c) that the department receives on or
802 before May 8, 2018, act on the application on or before July 1, 2018.

803 Section 8. Section **32B-6-305.4** is amended to read:

804 **32B-6-305.4 . Small limited-service restaurant licensee -- Exemption.**

805 (1) Notwithstanding the provisions of Section [~~32B-6-305-0F~~] 32B-6-305.2 and subject to
806 Subsection (2), a minor may sit, remain, or consume food or beverages in the dispensing
807 area of a small limited-service restaurant licensee if:

- 808 (a) seating in the dispensing area is the only seating available for patrons on the licensed
809 premises;
810 (b) the minor is accompanied by an individual who is 21 years of age or older; and

- 811 (c) the small limited-service restaurant licensee applies for and obtains approval from
812 the department to seat minors in the dispensing area in accordance with this section.
- 813 (2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
- 814 (3) The department shall:
- 815 (a) grant an approval described in Subsection (1)(c) if the small limited-service
816 restaurant licensee demonstrates that the small limited-service restaurant licensee
817 meets the requirements described in Subsection [~~32B-6-302(5)~~] 32B-6-302(3); and
- 818 (b) for each application described in Subsection (1)(c) that the department receives on or
819 before May 8, 2018, act on the application on or before July 1, 2018.

820 Section 9. Section **32B-6-905.3** is amended to read:

821 **32B-6-905.3 . Small beer-only restaurant licensee -- Exemption.**

- 822 (1) [~~Notwithstanding the provisions of Section 32B-6-905 or 32B-6-905.2 and subject to~~
823 ~~Subsection (2), a~~] A minor may sit, remain, or consume food or beverages in the
824 dispensing area of a small beer-only restaurant licensee if:
- 825 (a) seating in the dispensing area is the only seating available for patrons on the licensed
826 premises;
- 827 (b) the minor is accompanied by an individual who is 21 years of age or older; and
- 828 (c) the small beer-only restaurant licensee applies for and obtains approval from the
829 department to seat minors in the dispensing area in accordance with this section.
- 830 (2) A minor may not sit, remain, or consume food or beverages at a dispensing structure.
- 831 (3) The department shall:
- 832 (a) grant an approval described in Subsection (1)(c) if the small beer-only restaurant
833 licensee demonstrates that the small beer-only restaurant licensee meets the
834 requirements described in Subsection [~~32B-6-902(1)(e)~~] 32B-6-902(1)(c); and
- 835 (b) for each application described in Subsection (1)(c) that the department receives on or
836 before May 8, 2018, act on the application on or before July 1, 2018.

837 Section 10. Section **34A-2-424** is amended to read:

838 **34A-2-424 . Prescribing policies for certain opioid prescriptions.**

- 839 (1) This section applies to a person regulated by this chapter or Chapter 3, Utah
840 Occupational Disease Act.
- 841 (2) A self-insured employer, as that term is defined in Section 34A-2-201.5, an insurance
842 carrier, and a managed health care program under Section 34A-2-111 may implement a
843 prescribing policy for certain opioid prescriptions [~~in accordance with Section~~
844 ~~31A-22-615.5~~].

845 Section 11. Section **35A-8-509** is amended to read:

846 **35A-8-509 . Economic Revitalization and Investment Fund.**

- 847 (1) There is created an enterprise fund known as the "Economic Revitalization and
848 Investment Fund."
- 849 (2) The Economic Revitalization and Investment Fund consists of money from the
850 following:
- 851 (a) money appropriated to the account by the Legislature;
- 852 (b) private contributions;
- 853 (c) donations or grants from public or private entities; and
- 854 (d) money returned to the department under Subsection 35A-8-512(3)(a).
- 855 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall be
856 deposited into the Economic Revitalization and Investment Fund.
- 857 (4) The executive director may distribute money from the Economic Revitalization and
858 Investment Fund to one or more projects that:
- 859 (a) include affordable housing units for households whose income is no more than 30%
860 of the area median income for households of the same size in the county or
861 municipality where the project is located; and
- 862 (b) have been approved by the board in accordance with Section 35A-8-510.
- 863 (5) (a) A housing sponsor may apply to the department to receive a distribution in
864 accordance with Subsection (4).
- 865 (b) The application shall include:
- 866 (i) the location of the project;
- 867 (ii) the number, size, and tenant income requirements of affordable housing units
868 described in Subsection (4)(a) that will be included in the project; and
- 869 (iii) a written commitment to enter into a deed restriction that reserves for a period of
870 30 years the affordable housing units described in Subsection (5)(b)(ii) or their
871 equivalent for occupancy by households that meet the income requirements
872 described in Subsection (5)(b)(ii).
- 873 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit is:
874 [~~(i)~~ ~~(A)~~] (i) occupied or reserved for occupancy by a household whose income is no
875 more than 30% of the area median income for households of the same size in the
876 county or municipality where the project is located; or
877 [~~(B)~~] (ii) occupied by a household whose income is no more than 60% of the area
878 median income for households of the same size in the county or municipality

879 where the project is located if that household met the income requirement
 880 described in Subsection (4)(a) when the household originally entered into the
 881 lease agreement for the housing unit~~[-and]~~ .

882 [~~ii) rented at a rate no greater than the rate described in Subsection 35A-8-511(2)(b).]~~

883 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 884 department may make additional rules providing procedures for a person to apply to
 885 the department to receive a distribution described in Subsection (4).

886 (6) The executive director may expend up to 3% of the revenues of the Economic
 887 Revitalization and Investment Fund, including any appropriation to the Economic
 888 Revitalization and Investment Fund, to offset department or board administrative
 889 expenses.

890 Section 12. Section **35A-16-503** is amended to read:

891 **35A-16-503 . Rules.**

892 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 893 office shall make rules governing:

894 (1) the submission of ~~[an overflow]~~ a winter response plan under Subsection 35A-16-502(1);

895 (2) the review of ~~[an overflow]~~ a winter response plan for purposes of determining
 896 compliance under Subsection 35A-16-502(4);

897 (3) the process of sending a notice of noncompliance under Subsection ~~[35A-16-502(5)]~~
 898 35A-16-502(6); and

899 (4) the location, establishment, and operation of a temporary ~~[overflow]~~ winter response
 900 shelter under ~~[Subsections 35A-16-502(6)(b)(ii) and (e)]~~ Section 35A-16-502.

901 Section 13. Section **35A-16-703** is amended to read:

902 **35A-16-703 . Provisions in effect for duration of code blue alert.**

903 Subject to rules made by the Department of Health and Human Services under
 904 Subsection 35A-16-702(4), the following provisions take effect within an affected
 905 county for the duration of a code blue alert:

906 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to
 907 provide temporary shelter to any number of individuals experiencing homelessness, so
 908 long as the homeless shelter is in compliance with the applicable building code and fire
 909 code;

910 (2) a homeless shelter, in coordination with the applicable local homeless council, shall
 911 implement expedited intake procedures for individuals experiencing homelessness who
 912 request access to the homeless shelter;

- 913 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
 914 homelessness who requests access to the homeless shelter for temporary shelter unless
 915 the homeless shelter is at the capacity limit described in Subsection (1) or if the
 916 individual presents a danger to the homeless shelter's staff or guests;
- 917 (4) any indoor facility owned by a private organization, nonprofit organization, state
 918 government entity, or local government entity may be used to provide temporary shelter
 919 to individuals experiencing homelessness and is exempt from the licensure requirements
 920 of [~~Title 62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2,
 921 Licensing and Certifications, for the duration of the code blue alert and seven days
 922 following the day on which the code blue alert ends, so long as the facility is in
 923 compliance with the applicable building code and fire code;
- 924 (5) homeless shelters, state and local government entities, and other organizations that
 925 provide services to individuals experiencing homelessness shall coordinate street
 926 outreach efforts to distribute to individuals experiencing homelessness any available
 927 resources for survival in cold weather, including clothing items and blankets;
- 928 (6) if no beds or other accommodations are available at any homeless shelters located
 929 within the affected county, a municipality may not enforce an ordinance that prohibits or
 930 abates camping for the duration of the code blue alert and the two days following the
 931 day on which the code blue alert ends;
- 932 (7) a state or local government entity, including a municipality, law enforcement agency,
 933 and local health department may not enforce an ordinance or policy to seize from
 934 individuals experiencing homelessness any personal items for survival in cold weather,
 935 including clothing, blankets, tents, sleeping bags, heaters, stoves, and generators; and
- 936 (8) a municipality or other local government entity may not enforce any ordinance or policy
 937 that limits or restricts the ability for the provisions described in Subsections (1) through
 938 (7) to take effect, including local zoning ordinances.

939 Section 14. Section **41-1a-419** is amended to read:

940 **41-1a-419 . Plate design -- Vintage vehicle certification and registration --**

941 **Personalized special group license plates -- Rulemaking.**

- 942 (1) (a) In accordance with Subsection (1)(b), the division shall determine the design and
 943 number of numerals or characters on a special group license plate.
- 944 (b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate
 945 shall display:
- 946 (A) the word Utah;

- 947 (B) the name or identifying slogan of the special group;
948 (C) a symbol decal not exceeding two positions in size representing the special
949 group; and
950 (D) the combination of letters, numbers, or both uniquely identifying the
951 registered vehicle.
- 952 (ii) The division, in consultation with the Utah State Historical Society, shall design
953 the historical support special group license plate, which shall:
954 (A) have a black background;
955 (B) have white characters; and
956 (C) display the word Utah.
- 957 (2) (a) The division shall, after consultation with a representative designated by the
958 sponsoring organization as defined in Section 41-1a-1601, specify the word or words
959 comprising the special group name and the symbol decal to be displayed upon the
960 special group license plate.
961 (b) A special group license plate symbol decal may not be redesigned:
962 (i) unless the division receives a redesign fee established by the division under
963 Section 63J-1-504; and
964 (ii) more frequently than every five years.
965 (c) A special group license plate symbol decal may not be reordered unless the division
966 receives a symbol decal reorder fee established by the division in accordance with
967 Section 63J-1-504.
- 968 (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without
969 renewal as long as the vehicle is owned by the registered owner and the license plates
970 may not be recalled by the division.
- 971 (4) [~~Subject to Subsection 41-1a-411(4)(a), a~~] A person who meets the requirements
972 described in this part or Part 16, Sponsored Special Group License Plates, for a special
973 group license plate may, apply for a personalized special group license plate in
974 accordance with Sections 41-1a-410 and 41-1a-411.
- 975 (5) Subject to this chapter, the commission shall make rules in accordance with Title 63G,
976 Chapter 3, Utah Administrative Rulemaking Act, to:
977 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
978 license plates; and
979 (b) establish the number of numerals or characters for special group license plates.
980 Section 15. Section **49-20-415** is amended to read:

981 **49-20-415 . Prescribing policies for certain opioid prescriptions.**

982 A plan offered to state employees under this chapter may implement a prescribing
983 policy for certain opioid prescriptions [~~in accordance with Section 31A-22-615.5~~].

984 Section 16. Section **52-4-204** is amended to read:

985 **52-4-204 . Closed meeting held upon vote of members -- Business -- Reasons for**
986 **meeting recorded.**

987 (1) A closed meeting may be held if:

988 (a) (i) a quorum is present;

989 (ii) the meeting is an open meeting for which notice has been given under Section
990 52-4-202; and

991 (iii) (A) two-thirds of the members of the public body present at the open meeting
992 vote to approve closing the meeting;

993 (B) for a meeting that is required to be closed under Section 52-4-205, if a
994 majority of the members of the public body present at an open meeting vote to
995 approve closing the meeting;

996 (C) for an ethics committee of the Legislature that is conducting an open meeting
997 for the purpose of reviewing an ethics complaint, a majority of the members
998 present vote to approve closing the meeting for the purpose of seeking or
999 obtaining legal advice on legal, evidentiary, or procedural matters, or for
1000 conducting deliberations to reach a decision on the complaint;

1001 (D) for the Political Subdivisions Ethics Review Commission established in
1002 Section 63A-15-201 that is conducting an open meeting for the purpose of
1003 reviewing an ethics complaint in accordance with Section 63A-15-701, a
1004 majority of the members present vote to approve closing the meeting for the
1005 purpose of seeking or obtaining legal advice on legal, evidentiary, or
1006 procedural matters, or for conducting deliberations to reach a decision on the
1007 complaint;

1008 (E) for a project entity that is conducting an open meeting for the purposes of
1009 determining the value of an asset, developing a strategy related to the sale or
1010 use of that asset;

1011 (F) for a project entity that is conducting an open meeting for purposes of
1012 discussing a business decision, the disclosure of which could cause commercial
1013 injury to, or confer a competitive advantage upon a potential or actual
1014 competitor of, the project entity; or

- 1015 (G) for a project entity that is conducting an open meeting for purposes of
 1016 discussing a record, the disclosure of which could cause commercial injury to,
 1017 or confer a competitive advantage upon a potential competitor of, the project
 1018 entity; or
- 1019 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is
 1020 convened for the purpose of conducting business relating to the receipt or review
 1021 of an ethics complaint, if public notice of the closed meeting is given under
 1022 Section 52-4-202, with the agenda for the meeting stating that the meeting will be
 1023 closed for the purpose of "conducting business relating to the receipt or review of
 1024 ethics complaints";
- 1025 (ii) for the Political Subdivisions Ethics Review Commission established in Section
 1026 63A-15-201, the closed meeting is convened for the purpose of conducting
 1027 business relating to the preliminary review of an ethics complaint in accordance
 1028 with Section 63A-15-602, if public notice of the closed meeting is given under
 1029 Section 52-4-202, with the agenda for the meeting stating that the meeting will be
 1030 closed for the purpose of "conducting business relating to the review of ethics
 1031 complaints"; or
- 1032 (iii) for the Independent Executive Branch Ethics Commission created in Section
 1033 63A-14-202, the closed meeting is convened for the purpose of conducting
 1034 business relating to an ethics complaint, if public notice of the closed meeting is
 1035 given under Section 52-4-202, with the agenda for the meeting stating that the
 1036 meeting will be closed for the purpose of "conducting business relating to an
 1037 ethics complaint." [~~or~~]
- 1038 [~~(iv) for the Data Security Management Council created in Section 63A-16-701, the~~
 1039 ~~closed meeting is convened in accordance with Subsection 63A-16-701(7), if~~
 1040 ~~public notice of the closed meeting is given under Section 52-4-202, with the~~
 1041 ~~agenda for the meeting stating that the meeting will be closed for the purpose of~~
 1042 ~~"conducting business relating to information technology security."]~~
- 1043 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting is
 1044 permitted under Section 52-4-205.
- 1045 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be
 1046 approved at a closed meeting.
- 1047 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a
 1048 motion to end the closed portion of the meeting and return to an open meeting.

1049 (ii) A motion to end the closed portion of a meeting may be approved by a majority
1050 of the public body members present at the meeting.

1051 (4) The following information shall be publicly announced and entered on the minutes of
1052 the open meeting at which the closed meeting was approved:

1053 (a) the reason or reasons for holding the closed meeting;

1054 (b) the location where the closed meeting will be held; and

1055 (c) the vote by name, of each member of the public body, either for or against the
1056 motion to hold the closed meeting.

1057 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed
1058 to require any meeting to be closed to the public.

1059 Section 17. Section **52-4-207** is amended to read:

1060 **52-4-207 . Electronic meetings -- Authorization -- Requirements.**

1061 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body
1062 may convene and conduct an electronic meeting in accordance with this section.

1063 (2) (a) A public body may not hold an electronic meeting unless the public body has
1064 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

1065 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an
1066 electronic meeting shall establish the conditions under which a remote member is
1067 included in calculating a quorum.

1068 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:

1069 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
1070 considerations;

1071 (ii) require a quorum of the public body to:

1072 (A) be present at a single anchor location for the meeting; and

1073 (B) vote to approve establishment of an electronic meeting in order to include
1074 other members of the public body through an electronic connection;

1075 (iii) require a request for an electronic meeting to be made by a member of a public
1076 body up to three days prior to the meeting to allow for arrangements to be made
1077 for the electronic meeting;

1078 (iv) restrict the number of separate connections for members of the public body that
1079 are allowed for an electronic meeting based on available equipment capability;

1080 (v) if the public body is statutorily authorized to allow a member of the public body
1081 to act by proxy, establish the conditions under which a member may vote or take
1082 other action by proxy; or

- 1083 (vi) establish other procedures, limitations, or conditions governing electronic
1084 meetings not in conflict with this section.
- 1085 (3) A public body that convenes and conducts an electronic meeting shall:
- 1086 (a) give public notice of the electronic meeting in accordance with Section 52-4-202;
- 1087 (b) except for an electronic meeting described in Subsection (5), post written notice of
1088 the electronic meeting at the anchor location; and
- 1089 (c) except as otherwise provided in a rule of the Legislature applicable to the public
1090 body, at least 24 hours before the electronic meeting is scheduled to begin, provide
1091 each member of the public body a description of how to electronically connect to the
1092 meeting.
- 1093 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts
1094 an electronic meeting shall provide space and facilities at an anchor location for
1095 members of the public to attend the open portions of the meeting.
- 1096 (b) A public body that convenes and conducts an electronic meeting may provide means
1097 by which members of the public may attend the meeting remotely by electronic
1098 means.
- 1099 (5) Subsection (4)(a) does not apply to an electronic meeting if:
- 1100 (a) (i) the chair of the public body determines that:
- 1101 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial
1102 risk to the health or safety of those present or who would otherwise be present
1103 at the anchor location; or
- 1104 (B) the location where the public body would normally meet has been ordered
1105 closed to the public for health or safety reasons; and
- 1106 (ii) the public notice for the meeting includes:
- 1107 (A) a statement describing the chair's determination under Subsection (5)(a)(i);
1108 (B) a summary of the facts upon which the chair's determination is based; and
1109 (C) information on how a member of the public may attend the meeting remotely
1110 by electronic means;
- 1111 (b) (i) during the course of the electronic meeting, the chair:
- 1112 (A) determines that continuing to conduct the electronic meeting as provided in
1113 Subsection (4)(a) presents a substantial risk to the health or safety of those
1114 present at the anchor location; and
- 1115 (B) announces during the electronic meeting the chair's determination under
1116 Subsection (5)(b)(i)(A) and states a summary of the facts upon which the

- 1117 determination is made; and
- 1118 (ii) in convening the electronic meeting, the public body has provided means by
- 1119 which members of the public who are not physically present at the anchor location
- 1120 may attend the electronic meeting remotely by electronic means;
- 1121 (c) (i) the public body is a special district board of trustees established under Title
- 1122 17B, Chapter 1, Part 3, Board of Trustees;
- 1123 (ii) the board of trustees' membership consists of:
- 1124 (A) at least two members who are elected or appointed to the board as owners of
- 1125 land, or as an agent or officer of the owners of land, under the criteria
- 1126 described in Subsection 17B-1-302(2)(b); or
- 1127 (B) at least one member who is elected or appointed to the board as an owner of
- 1128 land, or as an agent or officer of the owner of land, under the criteria described
- 1129 in Subsection 17B-1-302(3)(a)(ii);
- 1130 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] 52-4-202(3)(a)
- 1131 for the electronic meeting includes information on how a member of the public
- 1132 may attend the meeting remotely by electronic means; and
- 1133 (iv) the board of trustees allows members of the public attending the meeting by
- 1134 remote electronic means to participate in the meeting; or
- 1135 (d) (i) the public body is a special service district administrative control board
- 1136 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
- 1137 (ii) the administrative control board's membership consists of:
- 1138 (A) at least one member who is elected or appointed to the board as an owner of
- 1139 land, or as an agent or officer of the owner of land, under the criteria described
- 1140 in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
- 1141 (B) members that qualify for election or appointment to the board because the
- 1142 owners of real property in the special service district meet or exceed the
- 1143 threshold percentage described in Subsection 17D-1-304(1)(b)(i);
- 1144 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] 52-4-202(3)(a)
- 1145 for the electronic meeting includes information on how a member of the public
- 1146 may attend the meeting remotely by electronic means; and
- 1147 (iv) the administrative control board allows members of the public attending the
- 1148 meeting by remote electronic means to participate in the meeting.
- 1149 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the
- 1150 chair of the public body makes the determination.

1151 (7) Compliance with the provisions of this section by a public body constitutes full and
1152 complete compliance by the public body with the corresponding provisions of Sections
1153 52-4-201 and 52-4-202.

1154 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection
1155 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a
1156 member to vote or otherwise act by proxy.

1157 (9) Except for a unanimous vote, a public body that is conducting an electronic meeting
1158 shall take all votes by roll call.

1159 Section 18. Section **53-2a-206** is amended to read:

1160 **53-2a-206 . State of emergency -- Declaration -- Termination -- Commander in**
1161 **chief of military forces.**

1162 (1) A state of emergency may be declared by executive order of the governor if the
1163 governor finds a disaster has occurred or the occurrence or threat of a disaster is
1164 imminent in any area of the state in which state government assistance is required to
1165 supplement the response and recovery efforts of the affected political subdivision or
1166 political subdivisions.

1167 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1168 Subsection (1) expires at the earlier of:

1169 (i) the day on which the governor finds that the threat or danger has passed or the
1170 disaster reduced to the extent that emergency conditions no longer exist;

1171 (ii) 30 days after the date on which the governor declared the state of emergency; or

1172 (iii) the day on which the Legislature terminates the state of emergency by joint
1173 resolution.

1174 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a
1175 time period designated in the joint resolution.

1176 (ii) If the Legislature extends a state of emergency in accordance with this
1177 subsection, the state of emergency expires on the date designated in the joint
1178 resolution.

1179 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1180 Subsection (2), the governor may not declare a new state of emergency for the same
1181 disaster or occurrence as the expired state of emergency.

1182 (3) (a) After a state of emergency expires in accordance with Subsection (2), and subject
1183 to Subsection (4), the governor may declare a new state of emergency in response to
1184 the same disaster or occurrence as the expired state of emergency, if the governor

- 1185 finds that exigent circumstances exist.
- 1186 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1187 accordance with Subsections (2)(a) and (b).
- 1188 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires, the
1189 governor may not declare a new state of emergency in response to the same disaster
1190 or occurrence as the expired state of emergency, regardless of whether exigent
1191 circumstances exist.
- 1192 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of
1193 a state of emergency beyond 30 days as described in Subsection (2)(b), the
1194 Legislature may extend the state of emergency and specify which emergency
1195 powers described in this part are necessary to respond to the emergency conditions
1196 present at the time of the extension of the state of emergency.
- 1197 (ii) Circumstances that may warrant the extension of a state of emergency with
1198 limited emergency powers include:
- 1199 (A) the imminent threat of the emergency has passed, but continued fiscal
1200 response remains necessary; or
- 1201 (B) emergency conditions warrant certain executive actions, but certain
1202 emergency powers such as suspension of enforcement of statute are not
1203 necessary.
- 1204 (b) For any state of emergency extended by the Legislature beyond 30 days as described
1205 in Subsection (2)(b), the Legislature may, by joint resolution:
- 1206 (i) extend the state of emergency and maintain all of the emergency powers described
1207 in this part; or
- 1208 (ii) limit or restrict certain emergency powers of:
- 1209 (A) the division as described in Section 53-2a-104;
- 1210 (B) the governor as described in Section 53-2a-204;
- 1211 (C) a chief executive officer of a political subdivision as described in Section
1212 53-2a-205; or
- 1213 (D) other executive emergency powers described in this chapter.
- 1214 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the
1215 Legislature shall:
- 1216 (i) include in the joint resolution findings describing the nature and current conditions
1217 of the emergency that warrant the continuation or limitation of certain emergency
1218 powers; and

- 1219 (ii) clearly enumerate and describe in the joint resolution which powers:
1220 (A) are being limited or restricted; or
1221 (B) shall remain in force.
- 1222 (5) If the Legislature terminates a state of emergency by joint resolution, the governor shall
1223 issue an executive order ending the state of emergency on receipt of the Legislature's
1224 resolution.
- 1225 (6) An executive order described in this section to declare a state of emergency shall state:
1226 (a) the nature of the state of emergency;
1227 (b) the area or areas threatened; and
1228 (c) the conditions creating such an emergency or those conditions allowing termination
1229 of the state of emergency.
- 1230 (7) During the continuance of any state of emergency the governor is commander in chief
1231 of the military forces of the state in accordance with Utah Constitution Article VII,
1232 Section 4, and [~~Title 39, Chapter 1, State Militia~~] Title 39A, National Guard and Militia
1233 Act.
- 1234 Section 19. Section **53G-5-405** is amended to read:
1235 **53G-5-405 . Application of statutes and rules to charter schools.**
- 1236 (1) A charter school shall operate in accordance with its charter agreement and is subject to
1237 this public education code and other state laws applicable to public schools, except as
1238 otherwise provided in this chapter and other related provisions.
- 1239 (2) (a) Except as provided in Subsections (2)(b) and (2)(c), state board rules governing
1240 the following do not apply to a charter school:
1241 (i) school libraries;
1242 (ii) required school administrative and supervisory services; and
1243 (iii) required expenditures for instructional supplies.
- 1244 (b) A charter school shall comply with rules implementing statutes that prescribe how
1245 state appropriations may be spent.
- 1246 (c) If a charter school provides access to a school library, the charter school governing
1247 board shall provide an online platform:
1248 (i) through which a parent is able to view the title, author, and a description of any
1249 material the parent's child borrows from the school library, including a history of
1250 borrowed materials, either using an existing online platform that the charter school
1251 uses or through a separate platform; and
1252 (ii) (A) for a charter school with 1,000 or more enrolled students, no later than

- 1253 August 1, 2024; and
- 1254 (B) for a charter school with fewer than 1,000 enrolled students, no later than
- 1255 August 1, 2026.
- 1256 (3) The following provisions of this public education code, and rules adopted under those
- 1257 provisions, do not apply to a charter school:
- 1258 (a) Section 53E-4-408, requiring an independent evaluation of instructional materials;
- 1259 (b) Section 53G-4-409, requiring the use of activity disclosure statements;
- 1260 (c) Sections 53G-7-304 and 53G-7-306, pertaining to fiscal procedures of school
- 1261 districts and local school boards;
- 1262 ~~[(d) Section 53G-7-606, requiring notification of intent to dispose of textbooks;]~~
- 1263 ~~[(e)]~~ (d) Section 53G-7-1202, requiring the establishment of a school community
- 1264 council; and
- 1265 ~~[(f)]~~ (e) Section 53G-10-404, requiring annual presentations on adoption.
- 1266 (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is
- 1267 considered an educational procurement unit as defined in Section 63G-6a-103.
- 1268 (5) Each charter school shall be subject to:
- 1269 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 1270 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- 1271 (6) (a) A charter school is exempt from Section 51-2a-201.5, requiring accounting
- 1272 reports of certain nonprofit corporations.
- 1273 (b) A charter school is subject to the requirements of Section 53G-5-404.
- 1274 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
- 1275 existing state law and administrative rules for the purpose of determining from which
- 1276 laws and rules charter schools should be exempt.
- 1277 (b) (i) The State Charter School Board shall present recommendations for exemption
- 1278 to the state board for consideration.
- 1279 (ii) The state board shall consider the recommendations of the State Charter School
- 1280 Board and respond within 60 days.
- 1281 Section 20. Section **53G-6-603** is amended to read:
- 1282 **53G-6-603 . Requirement of birth certificate for enrollment of students --**
- 1283 **Procedures.**
- 1284 (1) As used in this section:
- 1285 (a) "Child trafficking" means human trafficking of a child in violation of Section
- 1286 76-5-308.5.

- 1287 (b) "Enroller" means an individual who enrolls a student in a public school.
- 1288 (c) "Review team" means a team described in Subsection (4), assigned to determine a
1289 student's biological age as described in this section.
- 1290 (d) "Social service provider" means the same as that term is defined in Section
1291 53E-3-524.
- 1292 (2) Except as provided in Subsection (3), upon enrollment of a student for the first time in a
1293 particular school, that school shall notify the enroller in writing that within 30 days the
1294 enroller shall provide to the school either:
- 1295 (a) a certified copy of the student's birth certificate; or
- 1296 (b) (i) other reliable proof of the student's:
- 1297 (A) identity;
- 1298 (B) biological age; and
- 1299 (C) relationship to the student's legally responsible individual; and
- 1300 (ii) an affidavit explaining the enroller's inability to produce a copy of the student's
1301 birth certificate.
- 1302 (3) (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately
1303 reflects the student's biological age, the enroller shall provide to the school:
- 1304 (i) an affidavit explaining the reasons for the inaccuracy described in Subsection
1305 (3)(a); and
- 1306 (ii) except as provided in Subsection (4), supporting documentation that establishes
1307 the student's biological age.
- 1308 (b) The supporting documentation described in Subsection (3)(a)(ii) may include:
- 1309 (i) a religious, hospital, or physician certificate showing the student's date of birth;
- 1310 (ii) an entry in a family religious text;
- 1311 (iii) an adoption record;
- 1312 (iv) previously verified school records;
- 1313 (v) previously verified immunization records;
- 1314 (vi) documentation from a social service provider; or
- 1315 (vii) other legal documentation, including from a consulate, that reflects the student's
1316 biological age.
- 1317 (4) (a) If the supporting documentation described in Subsection (3)(b) is not available,
1318 the school shall assign a review team to work with the enroller to determine the
1319 student's biological age for an LEA to use for a student's enrollment and appropriate
1320 placement in a public school.

- 1321 (b) The review team described in Subsection (4)(a):
- 1322 (i) may include:
- 1323 (A) an appropriate district administrator;
- 1324 (B) the student's teacher or teachers;
- 1325 (C) the school principal;
- 1326 (D) a school counselor;
- 1327 (E) a school social worker;
- 1328 (F) a school psychologist;
- 1329 (G) a culturally competent and trauma-informed community representative;
- 1330 (H) a school nurse or other school health specialist;
- 1331 (I) an interpreter, if necessary; or
- 1332 (J) a relevant educational equity administrator; and
- 1333 (ii) shall include at least three members, at least one of which has completed the
- 1334 instruction described in Subsection 53G-9-207(3)(a), no more than two years prior
- 1335 to the member's appointment to the review team.
- 1336 (c) In addition to any duty to comply with the mandatory reporting requirements
- 1337 described in [Sections] Section 53E-6-701 [~~and 62A-4a-403~~], a school shall report to
- 1338 local law enforcement and to the division any sign of child trafficking that the review
- 1339 team identifies in carrying out the review team's duties described in Subsection (4)(a).
- 1340 Section 21. Section **58-37-7** is amended to read:
- 1341 **58-37-7 . Labeling and packaging controlled substance -- Informational**
- 1342 **pamphlet for opiates -- Naloxone education and offer to dispense.**
- 1343 (1) A person licensed pursuant to this act may not distribute a controlled substance unless it
- 1344 is packaged and labeled in compliance with the requirements of Section 305 of the
- 1345 Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.
- 1346 (2) No person except a pharmacist for the purpose of filling a prescription shall alter,
- 1347 deface, or remove any label affixed by the manufacturer.
- 1348 (3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription
- 1349 issued by a practitioner, the pharmacy shall affix to the container in which the substance
- 1350 is sold or dispensed:
- 1351 (a) a label showing the:
- 1352 (i) pharmacy name and address;
- 1353 (ii) serial number; and
- 1354 (iii) date of initial filling;

- 1355 (b) the prescription number, the name of the patient, or if the patient is an animal, the
1356 name of the owner of the animal and the species of the animal;
- 1357 (c) the name of the practitioner by whom the prescription was written;
- 1358 (d) any directions stated on the prescription; and
- 1359 (e) any directions required by rules and regulations promulgated by the department.
- 1360 (4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled
1361 substance that is an opiate, the pharmacy shall:
- 1362 (a) affix a warning to the container or the lid for the container in which the substance is
1363 sold or dispensed that contains the following text:
- 1364 (i) "Caution: Opioid. Risk of overdose and addiction"; or
- 1365 (ii) any other language that is approved by the Department of Health and Human
1366 Services;
- 1367 (b) beginning January 1, 2024:
- 1368 (i) offer to counsel the patient or the patient's representative on the use and
1369 availability of an ~~opioid~~ opiate antagonist as defined in Section 26B-4-501; and
- 1370 (ii) offer to dispense an ~~opioid~~ opiate antagonist as defined in Section 26B-4-501 to
1371 the patient or the patient's representative, under a prescription from a practitioner
1372 or under Section 26B-4-510, if the patient:
- 1373 (A) receives a single prescription for 50 morphine milligram equivalents or more
1374 per day, calculated in accordance with guidelines developed by the United
1375 States Centers for Disease Control and Prevention;
- 1376 (B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to
1377 the patient in the previous 30 day period; or
- 1378 (C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to
1379 the patient in the previous 30 day period.
- 1380 (5) (a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled
1381 substance that is an opiate shall, if available from the Department of Health and
1382 Human Services, prominently display at the point of sale the informational pamphlet
1383 developed by the Department of Health and Human Services under Section
1384 26B-4-514.
- 1385 (b) The board and the Department of Health and Human Services shall encourage
1386 pharmacies to use the informational pamphlet to engage in patient counseling
1387 regarding the risks associated with taking opiates.
- 1388 (c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy

- 1389 is unable to obtain the informational pamphlet from the Department of Health and
 1390 Human Services for any reason.
- 1391 (6) A person may not alter the face or remove any label so long as any of the original
 1392 contents remain.
- 1393 (7) (a) An individual to whom or for whose use any controlled substance has been
 1394 prescribed, sold, or dispensed by a practitioner and the owner of any animal for
 1395 which any controlled substance has been prescribed, sold, or dispensed by a
 1396 veterinarian may lawfully possess it only in the container in which it was delivered to
 1397 the individual by the person selling or dispensing it.
- 1398 (b) It is a defense to a prosecution under this subsection that the person being prosecuted
 1399 produces in court a valid prescription for the controlled substance or the original
 1400 container with the label attached.
- 1401 Section 22. Section **58-37-19** is amended to read:
- 1402 **58-37-19 . Opiate prescription consultation -- Prescription for opiate antagonist**
 1403 **required.**
- 1404 (1) As used in this section:
- 1405 (a) "Initial opiate prescription" means a prescription for an opiate to a patient who:
 1406 (i) has never previously been issued a prescription for an opiate; or
 1407 (ii) was previously issued a prescription for an opiate, but the date on which the
 1408 current prescription is being issued is more than one year after the date on which
 1409 an opiate was previously prescribed or administered to the patient.
- 1410 (b) "[~~Opioid~~] Opiate antagonist" means the same as that term is defined in Section
 1411 26B-4-501.
- 1412 (c) "Prescriber" means an individual authorized to prescribe a controlled substance under
 1413 this chapter.
- 1414 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
 1415 prescription without discussing with the patient, or the patient's parent or guardian if the
 1416 patient is under 18 years old and is not an emancipated minor:
- 1417 (a) the risks of addiction and overdose associated with opiate drugs;
 1418 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
 1419 nervous system depressants;
 1420 (c) the reasons why the prescription is necessary;
 1421 (d) alternative treatments that may be available; and
 1422 (e) other risks associated with the use of the drugs being prescribed.

- 1423 (3) Subsection (2) does not apply to a prescription for:
- 1424 (a) a patient who is currently in active treatment for cancer;
- 1425 (b) a patient who is receiving hospice care from a licensed hospice as defined in Section
- 1426 26B-2-201; or
- 1427 (c) a medication that is being prescribed to a patient for the treatment of the patient's
- 1428 substance abuse or opiate dependence.
- 1429 (4) (a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an [~~opioid~~ opiate]
- 1430 antagonist to a patient if the patient receives an initial opiate
- 1431 prescription for:
- 1432 (i) 50 morphine milligram equivalents or more per day, calculated in accordance with
- 1433 guidelines developed by the United States Centers for Disease Control and
- 1434 Prevention; or
- 1435 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.
- 1436 (b) Subsection (4)(a) does not apply if the initial opiate prescription:
- 1437 (i) is administered directly to an ultimate user by a licensed practitioner; or
- 1438 (ii) is for a three-day supply or less.
- 1439 (c) This Subsection (4) does not require a patient to purchase or obtain an [~~opioid~~ opiate]
- 1440 antagonist as a condition of receiving the patient's initial opiate prescription.
- 1441 Section 23. Section **58-67-305** is amended to read:
- 1442 **58-67-305 . Exemptions from licensure.**
- 1443 In addition to the exemptions from licensure in Section 58-1-307, the following
- 1444 individuals may engage in the described acts or practices without being licensed
- 1445 under this chapter:
- 1446 (1) an individual rendering aid in an emergency, when no fee or other consideration of
- 1447 value for the service is charged, received, expected, or contemplated;
- 1448 (2) an individual administering a domestic or family remedy;
- 1449 (3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements,
- 1450 herbs, or other products of nature, the sale of which is not otherwise prohibited by
- 1451 state or federal law; and
- 1452 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
- 1453 based on a personal belief, when obtaining or providing any information regarding
- 1454 health care and the use of any product under Subsection (3)(a)(i); and
- 1455 (b) Subsection (3)(a) does not:
- 1456 (i) allow a person to diagnose any human disease, ailment, injury, infirmity,

- 1457 deformity, pain, or other condition; or
- 1458 (ii) prohibit providing truthful and non-misleading information regarding any of the
- 1459 products under Subsection (3)(a)(i);
- 1460 (4) a person engaged in good faith in the practice of the religious tenets of any church or
- 1461 religious belief, without the use of prescription drugs;
- 1462 (5) an individual authorized by the Department of Health and Human Services under
- 1463 Section [~~26-1-30~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
- 1464 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);
- 1465 (6) a medical assistant:
- 1466 (a) administering a vaccine under the general supervision of a physician; or
- 1467 (b) under the indirect supervision of a physician, engaging in tasks appropriately
- 1468 delegated by the physician in accordance with the standards and ethics of the practice
- 1469 of medicine, except for:
- 1470 (i) performing surgical procedures;
- 1471 (ii) prescribing prescription medications;
- 1472 (iii) administering anesthesia other than for a local anesthetic for minor procedural
- 1473 use; or
- 1474 (iv) engaging in other medical practices or procedures as defined by division rule in
- 1475 collaboration with the board;
- 1476 (7) an individual engaging in the practice of medicine when:
- 1477 (a) the individual is licensed in good standing as a physician in another state with no
- 1478 licensing action pending and no less than 10 years of professional experience;
- 1479 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1480 (c) no fee or other consideration of value is charged, received, expected, or contemplated
- 1481 for the services rendered beyond an amount necessary to cover the proportionate cost
- 1482 of malpractice insurance; and
- 1483 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- 1484 (8) an individual providing expert testimony in a legal proceeding; and
- 1485 (9) an individual who is invited by a school, association, society, or other body approved by
- 1486 the division to conduct a clinic or demonstration of the practice of medicine in which
- 1487 patients are treated, if:
- 1488 (a) the individual does not establish a place of business in this state;
- 1489 (b) the individual does not regularly engage in the practice of medicine in this state;
- 1490 (c) the individual holds a current license in good standing to practice medicine issued by

1491 another state, district or territory of the United States, or Canada;
1492 (d) the primary purpose of the event is the training of others in the practice of medicine;
1493 and

1494 (e) neither the patient nor an insurer is billed for the services performed.

1495 Section 24. Section **58-68-305** is amended to read:

1496 **58-68-305 . Exemptions from licensure.**

1497 In addition to the exemptions from licensure in Section 58-1-307, the following
1498 individuals may engage in the described acts or practices without being licensed
1499 under this chapter:

1500 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1501 value for the service is charged, received, expected, or contemplated;

1502 (2) an individual administering a domestic or family remedy;

1503 (3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary
1504 supplements, herbs, or other products of nature, the sale of which is not otherwise
1505 prohibited by state or federal law; and

1506 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
1507 based on a personal belief, when obtaining or providing any information regarding
1508 health care and the use of any product under Subsection (3)(a)(i); and

1509 (b) Subsection (3)(a) does not:

1510 (i) permit a person to diagnose any human disease, ailment, injury, infirmity,
1511 deformity, pain, or other condition; or

1512 (ii) prohibit providing truthful and non-misleading information regarding any of the
1513 products under Subsection (3)(a)(i);

1514 (4) a person engaged in good faith in the practice of the religious tenets of any church or
1515 religious belief without the use of prescription drugs;

1516 (5) an individual authorized by the Department of Health and Human Services under
1517 Section [~~26-1-30~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
1518 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

1519 (6) a medical assistant:

1520 (a) administering a vaccine under the general supervision of a physician; or

1521 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1522 delegated by the physician in accordance with the standards and ethics of the practice
1523 of medicine, except for:

1524 (i) performing surgical procedures;

- 1525 (ii) prescribing prescription medications;
- 1526 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or
- 1527 (iv) engaging in other medical practices or procedures as defined by division rule in
- 1528 collaboration with the board;
- 1529 (7) an individual engaging in the practice of osteopathic medicine when:
- 1530 (a) the individual is licensed in good standing as an osteopathic physician in another
- 1531 state with no licensing action pending and no less than 10 years of professional
- 1532 experience;
- 1533 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1534 (c) no fee or other consideration of value is charged, received, expected, or contemplated
- 1535 for the services rendered beyond an amount necessary to cover the proportionate cost
- 1536 of malpractice insurance; and
- 1537 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- 1538 (8) an individual providing expert testimony in a legal proceeding; and
- 1539 (9) an individual who is invited by a school, association, society, or other body approved by
- 1540 the division in collaboration with the board to conduct a clinic or demonstration of the
- 1541 practice of medicine in which patients are treated, if:
- 1542 (a) the individual does not establish a place of business in this state;
- 1543 (b) the individual does not regularly engage in the practice of medicine in this state;
- 1544 (c) the individual holds a current license in good standing to practice medicine issued by
- 1545 another state, district or territory of the United States, or Canada;
- 1546 (d) the primary purpose of the event is the training of others in the practice of medicine;
- 1547 and
- 1548 (e) neither the patient nor an insurer is billed for the services performed.

1549 Section 25. Section **58-71-305** is amended to read:

1550 **58-71-305 . Exemptions from licensure.**

1551 In addition to the exemptions from licensure in Section 58-1-307, the following

1552 individuals may engage in the described acts or practices without being licensed

1553 under this chapter:

- 1554 (1) an individual rendering aid in an emergency, when no fee or other consideration of
- 1555 value for the service is charged, received, expected, or contemplated;
- 1556 (2) an individual administering a domestic or family remedy;
- 1557 (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or
- 1558 other products of nature, the sale of which is not otherwise prohibited under state or

- 1559 federal law, but this subsection does not:
- 1560 (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
1561 pain, or other condition; or
- 1562 (b) prohibit providing truthful and nonmisleading information regarding any of the
1563 products under this subsection;
- 1564 (4) a person engaged in good faith in the practice of the religious tenets of any church or
1565 religious belief, without the use of prescription drugs;
- 1566 (5) a person acting in good faith for religious reasons as a matter of conscience or based on
1567 a personal belief when obtaining or providing information regarding health care and the
1568 use of any product under Subsection (3);
- 1569 (6) an individual authorized by the Department of Health and Human Services under
1570 Section [~~26-1-30~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
1571 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);
- 1572 (7) a naturopathic medical assistant while working under the direct and immediate
1573 supervision of a licensed naturopathic physician to the extent the medical assistant is
1574 engaged in tasks appropriately delegated by the supervisor in accordance with the
1575 standards and ethics of the practice of naturopathic medicine; and
- 1576 (8) an individual who has completed all requirements for licensure under this chapter
1577 except the clinical experience required under Section 58-71-302, for a period of one year
1578 while that individual is completing that clinical experience requirement and who is
1579 working under the provisions of a temporary license issued by the division.

1580 Section 26. Section **63A-17-808** is amended to read:

1581 **63A-17-808 . On-site child care for state employees.**

- 1582 (1) As used in this section:
- 1583 (a) "Child care" means the same as that term is defined in Section 35A-3-201.
- 1584 (b) "Licensed child care provider" means a person who holds a license from the
1585 Department of Health and Human Services to provide center based child care in
1586 accordance with [~~Title 26, Chapter 39, Utah Child Care Licensing Act~~] Title 26B,
1587 Chapter 2, Part 4, Child Care Licensing.
- 1588 (c) "On-site child care center" means a child care center established in a facility that is
1589 owned or operated by an agency.
- 1590 (2) An agency may enter into a contract with a licensed child care provider to operate an
1591 on-site child care center for the benefit of the agency's employees.
- 1592 (3) A licensed child care provider that operates an on-site child care center for an agency

1593 shall maintain professional liability insurance.

1594 (4) (a) An agency may charge a licensed child care provider a reasonable fee for
1595 operating an on-site child care center so that the agency incurs no expense.

1596 (b) The fee in Subsection (4)(a) shall include costs for utility, building maintenance, and
1597 administrative services supplied by the agency that are related to the operation of the
1598 on-site child care center.

1599 (5) An agency may consult with the Office of Child Care within the Department of
1600 Workforce Services, the Department of Health and Human Services, and the Division of
1601 Facilities Construction and Management for assistance in establishing an on-site child
1602 care center.

1603 (6) The state is not liable for any civil damages for acts or omissions resulting from the
1604 operation of an on-site child care center.

1605 Section 27. Section **63G-2-107** is amended to read:

1606 **63G-2-107 . Disclosure of records subject to federal law or other provisions of**
1607 **state law.**

1608 (1) (a) The disclosure of a record to which access is governed or limited pursuant to
1609 court rule, another state statute, federal statute, or federal regulation, including a
1610 record for which access is governed or limited as a condition of participation in a
1611 state or federal program or for receiving state or federal funds, is governed by the
1612 specific provisions of that statute, rule, or regulation.

1613 (b) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), this chapter applies to
1614 records described in Subsection (1)(a) to the extent that this chapter is not
1615 inconsistent with the statute, rule, or regulation.

1616 (2) Except as provided in Subsection [~~(3)~~] (4), this chapter does not apply to a record
1617 containing protected health information as defined in 45 C.F.R., Part 164, Standards for
1618 Privacy of Individually Identifiable Health Information, if the record is:

1619 (a) controlled or maintained by a governmental entity; and

1620 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
1621 Identifiable Health Information.

1622 [~~(e)~~] (3) The disclosure of an education record as defined in the Family Educational Rights and
1623 Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental entity shall
1624 be governed by the Family Educational Rights and Privacy Act, 34 C.F.R.
1625 Part 99.

1626 [~~(3)~~] (4) This section does not exempt any record or record series from the provisions of

- 1627 Subsection 63G-2-601(1).
- 1628 Section 28. Section **63I-1-219** is amended to read:
- 1629 **63I-1-219 . Repeal dates: Title 19.**
- 1630 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.
- 1631 (2) Section 19-2a-102 is repealed July 1, 2026.
- 1632 [~~(3) Section 19-2a-104 is repealed July 1, 2022.~~]
- 1633 [~~(4)~~ (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.
- 1634 (b) Notwithstanding Subsection [~~(4)(a)~~] (3)(a), Section 19-4-115, Drinking water quality
- 1635 in schools and child care centers, is repealed July 1, 2027.
- 1636 [~~(5)~~ (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.
- 1637 [~~(6)~~ (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
- 1638 2029.
- 1639 [~~(7)~~ (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July
- 1640 1, 2030.
- 1641 [~~(8)~~ (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1, 2028.
- 1642 [~~(9)~~ (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.
- 1643 [~~(10)~~ (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.
- 1644 [~~(11)~~ (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.
- 1645 [~~(12)~~ (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1,
- 1646 2027.
- 1647 Section 29. Section **63I-1-263** is amended to read:
- 1648 **63I-1-263 . Repeal dates: Titles 63A through 63N.**
- 1649 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement
- 1650 funding, is repealed July 1, 2024.
- 1651 [~~(2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.~~]
- 1652 [~~(3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee,~~
- 1653 ~~are repealed July 1, 2023.~~]
- 1654 [~~(4)~~ (2) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 1655 1, 2028.
- 1656 [~~(5)~~ (3) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- 1657 [~~(6)~~ (4) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 1658 2024.
- 1659 [~~(7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is~~
- 1660 ~~repealed July 1, 2023.~~]

- 1661 [~~8~~] (5) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
1662 December 31, 2026.
- 1663 [~~9~~] (6) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1664 repealed July 1, 2026.
- 1665 [~~10~~] (7) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 1666 [~~11~~] (8) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 1667 [~~12~~] (9) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
1668 31, 2024.
- 1669 [~~13~~] (10) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
1670 repealed on July 1, 2028.
- 1671 [~~14~~] (11) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
1672 Advisory Board, is repealed July 1, 2026.
- 1673 [~~15~~] (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
1674 2028.
- 1675 [~~16~~] (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July
1676 1, 2024.
- 1677 [~~17~~] (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 1678 [~~18~~] (15) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
1679 repealed January 1, 2025.
- 1680 [~~19~~] (16) Section 63L-11-204, creating a canyon resource management plan to Provo
1681 Canyon, is repealed July 1, 2025.
- 1682 [~~20~~] (17) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee,
1683 is repealed July 1, 2027.
- 1684 [~~21~~] (18) In relation to the Utah Substance Use and Mental Health Advisory Council, on
1685 January 1, 2033:
- 1686 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
1687 repealed;
- 1688 (b) Section 63M-7-305, the language that states "council" is replaced with "commission";
- 1689 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:
- 1690 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 1691 (d) Subsection 63M-7-305(2) is repealed and replaced with:
- 1692 "(2) The commission shall:
- 1693 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1694 Drug-Related Offenses Reform Act; and

1695 (b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections
 1696 77-18-103(2)(c) and (d)."

1697 [~~(22)~~] (19) The Crime Victim Reparations and Assistance Board, created in Section
 1698 63M-7-504, is repealed July 1, 2027.

1699 [~~(23)~~] (20) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July 1,
 1700 2026.

1701 [~~(24)~~] (21) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

1702 [~~(25)~~] (22) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
 1703 repealed January 1, 2025.

1704 [~~(26)~~] (23) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1705 [~~(27)~~] (24) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July
 1706 1, 2028.

1707 [~~(28)~~] (25) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
 1708 repealed July 1, 2027.

1709 [~~(29)~~] (26) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
 1710 repealed July 1, 2025.

1711 [~~(30)~~] (27) In relation to the Rural Employment Expansion Program, on July 1, 2028:

1712 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed; and

1713 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion Program,
 1714 is repealed.

1715 [~~(31)~~] (28) In relation to the Board of Tourism Development, on July 1, 2025:

1716 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

1717 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
 1718 repealed and replaced with "Utah Office of Tourism";

1719 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

1720 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
 1721 approval from the Board of Tourism Development, is repealed; and

1722 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1723 [~~(32)~~] (29) Subsection 63N-8-103(3)(c), which allows the Governor's Office of Economic
 1724 Opportunity to issue an amount of tax credit certificates only for rural productions, is
 1725 repealed on July 1, 2024.

1726 Section 30. Section **63I-2-272** is amended to read:

1727 **63I-2-272 . Repeal dates: Title 72.**

1728 (1) Subsections 72-1-213.1(13)(a) and (b), related to the road usage charge rate and road

1729 usage charge cap, are repealed January 1, 2033.

1730 [~~(2) Section 72-1-216.1 is repealed January 1, 2023.~~]

1731 [~~(3)~~] (2) Section 72-2-127 is repealed on July 1, 2024.

1732 [~~(4)~~] (3) Section 72-2-130 is repealed on July 1, 2024.

1733 [~~(5) Section 72-4-105.1 is repealed on January 1, 2024.~~]

1734 Section 31. Section **71A-8-103** is amended to read:

1735 **71A-8-103 (Superseded 07/01/24). Employees in military service -- Extension of**
 1736 **licenses for members of National Guard and reservists ordered to active duty.**

1737 (1) As used in this section, "license" means: [~~any license issued under:~~]

1738 (a) any license issued under Title 58, Occupations and Professions; and

1739 (b) [~~Section 26B-4-116~~] a license for emergency medical personnel.

1740 (2) Any license held by a member of the National Guard or reserve component of the armed
 1741 forces that expires while the member is on state or federal active duty shall be extended
 1742 until 90 days after the member is discharged from active duty status.

1743 (3) The licensing agency shall renew a license extended under Subsection (2) until the next
 1744 date that the license expires or for the period that the license is normally issued, at no
 1745 cost to the member of the National Guard or reserve component of the armed forces if
 1746 all of the following conditions are met:

1747 (a) the National Guard member or reservist requests renewal of the license within 90
 1748 days after being discharged;

1749 (b) the National Guard member or reservist provides the licensing agency with a copy of
 1750 the member's or reservist's official orders calling the member or reservist to active
 1751 duty, and official orders discharging the member or reservist from active duty; and

1752 (c) the National Guard member or reservist meets all the requirements necessary for the
 1753 renewal of the license, except the member or reservist need not meet the
 1754 requirements, if any, that relate to continuing education or training.

1755 (4) The provisions of this section do not apply to:

1756 (a) regularly scheduled annual training;

1757 (b) in-state active National Guard and reserve orders; or

1758 (c) orders that do not require the service member to relocate outside of this state.

1759 Section 32. Section **73-2-1** is amended to read:

1760 **73-2-1 . State engineer -- Term -- Powers and duties -- Qualification for duties.**

1761 (1) There shall be a state engineer.

1762 (2) The state engineer shall:

- 1763 (a) be appointed by the governor with the advice and consent of the Senate;
1764 (b) hold office for the term of four years and until a successor is appointed; and
1765 (c) have five years experience as a practical engineer or the theoretical knowledge,
1766 practical experience, and skill necessary for the position.
- 1767 (3) (a) The state engineer shall be responsible for the general administrative supervision
1768 of the waters of the state and the measurement, appropriation, apportionment, and
1769 distribution of those waters.
- 1770 (b) The state engineer may secure the equitable apportionment and distribution of the
1771 water according to the respective rights of appropriators.
- 1772 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
1773 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1774 regarding:
- 1775 (a) reports of water right conveyances;
1776 (b) the construction of water wells and the licensing of water well drillers;
1777 (c) dam construction and safety;
1778 (d) the alteration of natural streams;
1779 (e) geothermal resource conservation;
1780 (f) enforcement orders and the imposition of fines and penalties;
1781 (g) the duty of water; and
1782 (h) standards for written plans of a public water supplier that may be presented as
1783 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).
- 1784 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
1785 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1786 governing:
- 1787 (a) water distribution systems and water commissioners;
1788 (b) water measurement and reporting;
1789 (c) groundwater recharge and recovery;
1790 (d) wastewater reuse;
1791 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
1792 surface or underground water that is not represented by a certificate of appropriation;
1793 (f) the form and content of a proof submitted to the state engineer under Section 73-3-16;
1794 (g) the determination of water rights; or
1795 [~~h~~] preferences of water rights under Section 73-3-21.5; ~~or~~
1796 [~~h~~] h) the form and content of applications and related documents, maps, and reports.

- 1797 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 1798 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 1799 water without first seeking redress through the administrative process;
- 1800 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 1801 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 1802 (d) enforce administrative orders and collect fines and penalties.
- 1803 (7) The state engineer may:
- 1804 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 1805 Chapter 2a, Part 5, Irrigation District Act, or another special district under Title 17B,
- 1806 Limited Purpose Local Government Entities - Special Districts, or a special service
- 1807 district under Title 17D, Chapter 1, Special Service District Act, that operates an
- 1808 irrigation water system, cause a water survey to be made of the lands proposed to be
- 1809 annexed to the district in order to determine and allot the maximum amount of water
- 1810 that could be beneficially used on the land, with a separate survey and allotment
- 1811 being made for each 40-acre or smaller tract in separate ownership; and
- 1812 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
- 1813 district board a return of the survey and report of the allotment.
- 1814 (8) (a) The state engineer may establish water distribution systems and define the water
- 1815 distribution systems' boundaries.
- 1816 (b) The water distribution systems shall be formed in a manner that:
- 1817 (i) secures the best protection to the water claimants; and
- 1818 (ii) is the most economical for the state to supervise.
- 1819 (9) The state engineer may conduct studies of current and novel uses of water in the state.
- 1820 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the depth
- 1821 of a water production well exempt the water production well from regulation under this
- 1822 title or rules made under this title related to the:
- 1823 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing, testing,
- 1824 disinfecting, or abandonment of a water production well; or
- 1825 (b) installation or repair of a pump for a water production well.
- 1826 Section 33. Section **76-3-203.3** is amended to read:
- 1827 **76-3-203.3 . Penalty for hate crimes -- Civil rights violation.**
- 1828 As used in this section:
- 1829 (1) "Primary offense" means those offenses provided in Subsection (4).
- 1830 (2) (a) A person who commits any primary offense with the intent to intimidate or

- 1831 terrorize another person or with reason to believe that his action would intimidate or
1832 terrorize that person is subject to Subsection (2)(b).
- 1833 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and
1834 (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- 1835 (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical
1836 safety or damages the property of that person or another. The act must be accompanied
1837 with the intent to cause or has the effect of causing a person to reasonably fear to freely
1838 exercise or enjoy any right secured by the Constitution or laws of the state or by the
1839 Constitution or laws of the United States.
- 1840 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
1841 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107,
1842 and 76-5-108;
1843 (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104,
1844 and Subsection 76-6-106(2)(a);
1845 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
1846 (d) any misdemeanor theft offense under [~~Section 76-6-412~~] Chapter 6, Offenses Against
1847 Property;
1848 (e) any offense of obstructing government operations under Sections 76-8-301, 76-8-302,
1849 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;
1850 (f) any offense of interfering or intending to interfere with activities of colleges and
1851 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
1852 (g) any misdemeanor offense against public order and decency as defined in Title 76,
1853 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
1854 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
1855 Communication and Telephone Abuse;
1856 (i) any cruelty to animals offense under Section 76-9-301;
1857 (j) any weapons offense under Section 76-10-506; or
1858 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
- 1859 (5) This section does not affect or limit any individual's constitutional right to the lawful
1860 expression of free speech or other recognized rights secured by the Constitution or laws
1861 of the state or by the Constitution or laws of the United States.
- 1862 Section 34. Section **76-3-402** is amended to read:
1863 **76-3-402 . Conviction of lower degree of offense -- Procedure and limitations.**
1864 (1) As used in this section:

- 1865 (a) "Lower degree of offense" includes an offense for which:
 1866 (i) a statutory enhancement is charged in the information or indictment that would
 1867 increase either the maximum or the minimum sentence; and
 1868 (ii) the court removes the statutory enhancement in accordance with this section.
- 1869 (b) "Minor regulatory offense" means the same as that term is defined in Section
 1870 77-40a-101.
- 1871 (c) (i) "Rehabilitation program" means a program designed to reduce criminogenic
 1872 and recidivism risks.
 1873 (ii) "Rehabilitation program" includes:
 1874 (A) a domestic violence treatment program, as that term is defined in Section [
 1875 ~~62A-2-101~~] 26B-2-101;
 1876 (B) a residential, vocational, and life skills program, as that term is defined in
 1877 Section 13-53-102;
 1878 (C) a substance abuse treatment program, as that term is defined in Section [
 1879 ~~62A-2-101~~] 26B-2-101;
 1880 (D) a substance use disorder treatment program, as that term is defined in Section [
 1881 ~~62A-2-101~~] 26B-2-101;
 1882 (E) a youth program, as that term is defined in Section [~~62A-2-101~~] 26B-2-101;
 1883 (F) a program that meets the standards established by the Department of
 1884 Corrections under Section 64-13-25;
 1885 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
 1886 Council; or
 1887 (H) a program that is substantially similar to a program described in Subsections
 1888 (1)(c)(ii)(A) through (G).
- 1889 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
 1890 regulatory offense or a traffic offense.
- 1891 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
- 1892 (f) (i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
 1893 that term is defined in Section 76-3-203.5.
 1894 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
 1895 conspiracy to commit an offense, for:
 1896 (A) the possession, use, or removal of explosive, chemical, or incendiary devices
 1897 under Subsection 76-10-306(3), (5), or (6); or
 1898 (B) the purchase or possession of a dangerous weapon or handgun by a restricted

- 1899 person under Section 76-10-503.
- 1900 (2) The court may enter a judgment of conviction for a lower degree of offense than
1901 established by statute and impose a sentence at the time of sentencing for the lower
1902 degree of offense if the court:
- 1903 (a) takes into account:
- 1904 (i) the nature and circumstances of the offense of which the defendant was found
1905 guilty; and
- 1906 (ii) the history and character of the defendant;
- 1907 (b) gives any victim present at the sentencing and the prosecuting attorney an
1908 opportunity to be heard; and
- 1909 (c) concludes that the degree of offense established by statute would be unduly harsh to
1910 record as a conviction on the record for the defendant.
- 1911 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
1912 judgment of conviction for a lower degree of offense than established by statute:
- 1913 (a) after the defendant is successfully discharged from probation or parole for the
1914 conviction; and
- 1915 (b) if the court finds that entering a judgment of conviction for a lower degree of offense
1916 is in the interest of justice in accordance with Subsection (7).
- 1917 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
1918 judgment of conviction for a lower degree of offense than established by statute if:
- 1919 (a) the defendant's probation or parole for the conviction did not result in a successful
1920 discharge but the defendant is successfully discharged from probation or parole for a
1921 subsequent conviction of an offense;
- 1922 (b) (i) at least five years have passed after the day on which the defendant is
1923 sentenced for the subsequent conviction; or
- 1924 (ii) at least three years have passed after the day on which the defendant is sentenced
1925 for the subsequent conviction and the prosecuting attorney consents to the
1926 reduction;
- 1927 (c) the defendant is not convicted of a serious offense during the time period described
1928 in Subsection (4)(b);
- 1929 (d) there are no criminal proceedings pending against the defendant;
- 1930 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
1931 offense;
- 1932 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting

- 1933 attorney consents to the reduction; and
- 1934 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
- 1935 in the interest of justice in accordance with Subsection (7).
- 1936 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 1937 judgment of conviction for a lower degree of offense than established by statute if:
- 1938 (a) the defendant's probation or parole for the conviction did not result in a successful
- 1939 discharge but the defendant is successfully discharged from a rehabilitation program;
- 1940 (b) at least three years have passed after the day on which the defendant is successfully
- 1941 discharged from the rehabilitation program;
- 1942 (c) the defendant is not convicted of a serious offense during the time period described
- 1943 in Subsection (5)(b);
- 1944 (d) there are no criminal proceedings pending against the defendant;
- 1945 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
- 1946 offense;
- 1947 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
- 1948 attorney consents to the reduction; and
- 1949 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
- 1950 in the interest of justice in accordance with Subsection (7).
- 1951 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 1952 judgment of conviction for a lower degree of offense than established by statute if:
- 1953 (a) at least five years have passed after the day on which the defendant's probation or
- 1954 parole for the conviction did not result in a successful discharge;
- 1955 (b) the defendant is not convicted of a serious offense during the time period described
- 1956 in Subsection (6)(a);
- 1957 (c) there are no criminal proceedings pending against the defendant;
- 1958 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
- 1959 offense;
- 1960 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
- 1961 attorney consents to the reduction; and
- 1962 (f) the court finds that entering a judgment of conviction for a lower degree of offense is
- 1963 in the interest of justice in accordance with Subsection (7).
- 1964 (7) In determining whether entering a judgment of a conviction for a lower degree of
- 1965 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 1966 (a) the court shall consider:

- 1967 (i) the nature, circumstances, and severity of the offense for which a reduction is
1968 sought;
- 1969 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
1970 offense for which the reduction is sought; and
- 1971 (iii) any input from a victim of the offense; and
- 1972 (b) the court may consider:
- 1973 (i) any special characteristics or circumstances of the defendant, including the
1974 defendant's criminogenic risks and needs;
- 1975 (ii) the defendant's criminal history;
- 1976 (iii) the defendant's employment and community service history;
- 1977 (iv) whether the defendant participated in a rehabilitative program and successfully
1978 completed the program;
- 1979 (v) any effect that a reduction would have on the defendant's ability to obtain or
1980 reapply for a professional license from the Department of Commerce;
- 1981 (vi) whether the level of the offense has been reduced by law after the defendant's
1982 conviction;
- 1983 (vii) any potential impact that the reduction would have on public safety; or
- 1984 (viii) any other circumstances that are reasonably related to the defendant or the
1985 offense for which the reduction is sought.
- 1986 (8) (a) A court may only enter a judgment of conviction for a lower degree of offense
1987 under Subsection (3), (4), (5), or (6) after:
- 1988 (i) notice is provided to the other party;
- 1989 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice
1990 to any victims; and
- 1991 (iii) a hearing is held if a hearing is requested by either party.
- 1992 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a
1993 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),
1994 or (6).
- 1995 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
1996 motion, the moving party has the burden to provide evidence sufficient to
1997 demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 1998 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
1999 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the
2000 defendant is committed to jail as a condition of probation or is sentenced to prison.

- 2001 (10) (a) An offense may be reduced only one degree under this section, unless the
 2002 prosecuting attorney specifically agrees in writing or on the court record that the
 2003 offense may be reduced two degrees.
- 2004 (b) An offense may not be reduced under this section by more than two degrees.
- 2005 (11) This section does not preclude an individual from obtaining or being granted an
 2006 expungement of the individual's record in accordance with Title 77, Chapter 40a,
 2007 Expungement.
- 2008 (12) The court may not enter a judgment for a conviction for a lower degree of offense
 2009 under this section if:
- 2010 (a) the reduction is specifically precluded by law; or
- 2011 (b) any unpaid balance remains on court-ordered restitution for the offense for which the
 2012 reduction is sought.
- 2013 (13) When the court enters a judgment for a lower degree of offense under this section, the
 2014 actual title of the offense for which the reduction is made may not be altered.
- 2015 (14) (a) An individual may not obtain a reduction under this section of a conviction that
 2016 requires the individual to register as a sex offender until the registration requirements
 2017 under Title 77, Chapter 41, Sex and Kidnap Offender Registry, have expired.
- 2018 (b) An individual required to register as a sex offender for the individual's lifetime under
 2019 Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the
 2020 offense or offenses that require the individual to register as a sex offender.
- 2021 (15) (a) An individual may not obtain a reduction under this section of a conviction that
 2022 requires the individual to register as a child abuse offender until the registration
 2023 requirements under Title 77, Chapter 43, Child Abuse Offender Registry, have
 2024 expired.
- 2025 (b) An individual required to register as a child abuse offender for the individual's
 2026 lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the
 2027 conviction for the offense or offenses that require the individual to register as a child
 2028 abuse offender.
- 2029 Section 35. Section **76-5-207** is amended to read:
- 2030 **76-5-207 . Negligently operating a vehicle resulting in death -- Penalties --**
- 2031 **Evidence.**
- 2032 (1) (a) As used in this section:
- 2033 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 2034 (ii) "Criminally negligent" means the same as that term is described in Subsection

- 2035 76-2-103(4).
- 2036 (iii) "Drug" means:
- 2037 (A) a controlled substance;
- 2038 (B) a drug as defined in Section 58-37-2; or
- 2039 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
- 2040 human body, can impair the ability of an individual to safely operate a vehicle.
- 2041 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
- 2042 degree of care that reasonable and prudent persons exercise under like or similar
- 2043 circumstances.
- 2044 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 2045 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 2046 (2) An actor commits negligently operating a vehicle resulting in death if the actor:
- 2047 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the
- 2048 death of another individual; and
- 2049 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical
- 2050 test shows that the actor has a blood or breath alcohol concentration of .05
- 2051 grams or greater at the time of the test;
- 2052 (B) is under the influence of alcohol, any drug, or the combined influence of
- 2053 alcohol and any drug to a degree that renders the actor incapable of safely
- 2054 operating a vehicle; or
- 2055 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
- 2056 of operation; or
- 2057 (b) (i) operates a vehicle in a criminally negligent manner causing death to another;
- 2058 and
- 2059 (ii) has in the actor's body any measurable amount of a controlled substance.
- 2060 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
- 2061 (a) a second degree felony; and
- 2062 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 2063 of this section, regardless of whether the deaths arise from the same episode of
- 2064 driving.
- 2065 (4) An actor is not guilty of a violation of negligently operating a vehicle resulting in death
- 2066 under Subsection (2)(b) if:
- 2067 (a) the controlled substance was obtained under a valid prescription or order, directly
- 2068 from a practitioner while acting in the course of the practitioner's professional

- 2069 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 2070 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 2071 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 2072 58-37-4.2 if:
- 2073 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 2074 to possess controlled substances under Section 58-37-6; and
- 2075 (ii) the substance was administered to the actor by the medical researcher.
- 2076 (5) (a) A judge imposing a sentence under this section may consider:
- 2077 (i) the sentencing guidelines developed in accordance with Section 63M-7-404;
- 2078 (ii) the defendant's history;
- 2079 (iii) the facts of the case;
- 2080 (iv) aggravating and mitigating factors; or
- 2081 (v) any other relevant fact.
- 2082 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 2083 based on the defendant's history under Section 41-6a-505.
- 2084 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
- 2085 provisions for the admissibility of chemical test results as provided by Section
- 2086 41-6a-516 apply to determination and proof of blood alcohol content under this
- 2087 section.
- 2088 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 2089 made in accordance with Subsection 41-6a-502(3).
- 2090 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 2091 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 2092 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 2093 admissible except when prohibited by the Utah Rules of Evidence, the United States
- 2094 Constitution, or the Utah Constitution.
- 2095 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
- 2096 described in this section may not be held in abeyance.
- 2097 Section 36. Section **78B-14-102** is amended to read:
- 2098 **78B-14-102 . Definitions.**
- 2099 As used in this chapter:
- 2100 (1) "Child" means an individual, whether over or under the age of majority, who is or is
- 2101 alleged to be owed a duty of support by the individual's parent or who is or is alleged to
- 2102 be the beneficiary of a support order directed to the parent.

- 2103 (2) "Child support order" means a support order for a child, including a child who has
2104 attained the age of majority under the law of the issuing state or foreign country.
- 2105 (3) "Convention" means the convention on the International Recovery of Child Support and
2106 Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.
- 2107 (4) "Duty of support" means an obligation imposed or imposable by law to provide support
2108 for a child, spouse, or former spouse, including an unsatisfied obligation to provide
2109 support.
- 2110 (5) "Foreign country" means a country, including a political subdivision thereof, other than
2111 the United States, that authorizes the issuance of support orders and:
- 2112 (a) which has been declared under the law of the United States to be a foreign
2113 reciprocating country;
- 2114 (b) which has established a reciprocal arrangement for child support with this state as
2115 provided in Section 78B-14-308;
- 2116 (c) which has enacted a law or established procedures for the issuance and enforcement
2117 of support orders which are substantially similar to the procedures under this chapter;
2118 or
- 2119 (d) in which the convention is in force with respect to the United States.
- 2120 (6) "Foreign support order" means a support order of a foreign tribunal.
- 2121 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a
2122 foreign country which is authorized to establish, enforce, or modify support orders or to
2123 determine parentage of a child. The term includes a competent authority under the
2124 convention.
- 2125 (8) "Home state" means the state or foreign country in which a child lived with a parent or a
2126 person acting as parent for at least six consecutive months immediately preceding the
2127 time of filing of a petition or comparable pleading for support and, if a child is less than
2128 six months old, the state or foreign country in which the child lived from birth with any
2129 of them. A period of temporary absence of any of them is counted as part of the
2130 six-month or other period.
- 2131 (9) "Income" includes earnings or other periodic entitlements to money from any source
2132 and any other property subject to withholding for support under the law of this state.
- 2133 (10) "Income-withholding order" means an order or other legal process directed to an
2134 obligor's employer or other source of income as defined in Section ~~[62A-11-103]~~
2135 26B-9-101, to withhold support from the income of the obligor.
- 2136 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a

- 2137 petition or comparable pleading is forwarded or in which a petition or comparable
2138 pleading is filed for forwarding to another state or foreign country.
- 2139 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
2140 support order or a judgment determining parentage of a child.
- 2141 (13) "Issuing state" means the state in which a tribunal issues a support order or a judgment
2142 determining parentage of a child.
- 2143 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a support
2144 order or a judgment determining parentage of a child.
- 2145 (15) "Law" includes decisional and statutory law and rules and regulations having the force
2146 of law.
- 2147 (16) "Obligee" means:
- 2148 (a) an individual to whom a duty of support is or is alleged to be owed or in whose favor
2149 a support order or a judgment determining parentage of a child has been issued;
- 2150 (b) a foreign country, state, or political subdivision of a state to which the rights under a
2151 duty of support or support order have been assigned or which has independent claims
2152 based on financial assistance provided to an individual obligee in place of child
2153 support;
- 2154 (c) an individual seeking a judgment determining parentage of the individual's child; or
2155 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
2156 Convention.
- 2157 (17) "Obligor" means an individual who, or the estate of a decedent that:
- 2158 (a) owes or is alleged to owe a duty of support;
- 2159 (b) is alleged but has not been adjudicated to be a parent of a child;
- 2160 (c) is liable under a support order; or
2161 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.
- 2162 (18) "Outside this state" means a location in another state or a country other than the United
2163 States, whether or not the country is a foreign country.
- 2164 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
2165 limited liability company, association, joint venture, government, governmental
2166 subdivision, agency, or instrumentality, public corporation, or any other legal or
2167 commercial entity.
- 2168 (20) "Record" means information that is inscribed on a tangible medium or that is stored in
2169 an electronic or other medium and is retrievable in perceivable form.
- 2170 (21) "Register" means to file in a tribunal of this state a support order or judgment

- 2171 determining parentage of a child issued in another state or a foreign country.
- 2172 (22) "Registering tribunal" means a tribunal in which a support order or judgment
2173 determining parentage of a child is registered.
- 2174 (23) "Responding state" means a state in which a petition or comparable pleading for
2175 support or to determine parentage of a child is filed or to which a petition or comparable
2176 pleading is forwarded for filing from another state or a foreign country.
- 2177 (24) "Responding tribunal" means the authorized tribunal in a responding state or foreign
2178 country.
- 2179 (25) "Spousal support order" means a support order for a spouse or former spouse of the
2180 obligor.
- 2181 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
2182 United States Virgin Islands, or any territory or insular possession subject to the
2183 jurisdiction of the United States. The term includes an Indian nation or tribe.
- 2184 (27) "Support enforcement agency" means a public official, governmental entity, or private
2185 agency authorized to:
- 2186 (a) seek enforcement of support orders or laws relating to the duty of support;
2187 (b) seek establishment or modification of child support;
2188 (c) request determination of parentage of a child;
2189 (d) attempt to locate obligors or their assets; or
2190 (e) request determination of the controlling child support order.
- 2191 (28) "Support order" means a judgment, decree, order, decision, or directive, whether
2192 temporary, final, or subject to modification, issued in a state or foreign country for the
2193 benefit of a child, a spouse, or a former spouse, which provides for monetary support,
2194 health care, arrearages, retroactive support, or reimbursement for financial assistance
2195 provided to an individual obligee in place of child support. The term may include
2196 related costs and fees, interest, income withholding, automatic adjustment, reasonable
2197 attorney fees, and other relief.
- 2198 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to
2199 establish, enforce, or modify support orders or to determine parentage of a child.
- 2200 Section 37. Section **78B-25-114** is amended to read:
- 2201 **78B-25-114 . Savings clause.**
- 2202 This chapter does not affect a cause of action asserted before May 3, 2023, in a civil
2203 action or a motion under [~~Chapter 6, Part 14, Citizen Participation in Government Act~~]
2204 Laws of Utah 2008, Chapter 3, Sections 1087 and 1088, regarding the cause of action.

2205 Section 38. **Repealer.**
2206 This bill repeals:
2207 Section **11-26-101, Title.**
2208 Section **63A-18-101, Title.**
2209 Section 39. **Effective date.**
2210 This bill takes effect on May 1, 2024.