

REVISOR'S TECHNICAL CORRECTIONS TO UTAH CODE

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

modifies parts of the Utah Code to make technical corrections, including:

- eliminating or correcting references involving repealed provisions;
- eliminating redundant or obsolete language;
- making minor wording changes;
- updating cross-references; and
- correcting numbering and other errors.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

17-27a-408, as last amended by Laws of Utah 2023, Chapters 88, 501 and 529 and last



28 amended by Coordination Clause, Laws of Utah 2023, Chapter 88
29 [23A-4-704](#), as last amended by Laws of Utah 2023, Chapter 345 and renumbered and
30 amended by Laws of Utah 2023, Chapter 103
31 [26B-4-123 \(Superseded 07/01/24\)](#), as renumbered and amended by Laws of Utah
32 2023, Chapter 307
33 [32B-6-205.4](#), as enacted by Laws of Utah 2018, Chapter 249
34 [32B-6-305.4](#), as enacted by Laws of Utah 2018, Chapter 249
35 [32B-6-905.3](#), as enacted by Laws of Utah 2018, Chapter 249
36 [34A-2-424](#), as enacted by Laws of Utah 2017, Chapter 53
37 [35A-8-509](#), as last amended by Laws of Utah 2022, Chapter 406
38 [35A-16-503](#), as enacted by Laws of Utah 2022, Chapter 403
39 [35A-16-703](#), as enacted by Laws of Utah 2023, Chapter 302
40 [39A-3-105](#), as enacted by Laws of Utah 2022, Chapter 373
41 [41-1a-419](#), as last amended by Laws of Utah 2023, Chapter 33
42 [49-20-415](#), as enacted by Laws of Utah 2017, Chapter 53
43 [52-4-204](#), as last amended by Laws of Utah 2022, Chapters 169, 422
44 [52-4-207](#), as last amended by Laws of Utah 2023, Chapter 100
45 [53-2a-206](#), as last amended by Laws of Utah 2021, Chapter 437
46 [53G-5-405](#), as last amended by Laws of Utah 2023, Chapter 343
47 [53G-6-603](#), as last amended by Laws of Utah 2022, Chapter 329
48 [58-37-7](#), as last amended by Laws of Utah 2023, Chapters 285, 329
49 [58-37-19](#), as last amended by Laws of Utah 2023, Chapters 285, 329
50 [58-67-305](#), as last amended by Laws of Utah 2022, Chapter 233
51 [58-68-305](#), as last amended by Laws of Utah 2022, Chapter 233
52 [58-71-305](#), as last amended by Laws of Utah 2018, Chapter 35
53 [63A-17-808](#), as enacted by Laws of Utah 2023, Chapter 279
54 [63G-2-107](#), as last amended by Laws of Utah 2023, Chapter 173
55 [63I-1-219](#), as last amended by Laws of Utah 2022, Chapter 194
56 [63I-1-263](#), as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
57 212, 218, 249, 270, 448, 489, and 534
58 [63I-2-272](#), as last amended by Laws of Utah 2023, Chapter 33

59 **71A-8-103 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapter
60 328 and renumbered and amended by Laws of Utah 2023, Chapter 44
61 **73-2-1**, as last amended by Laws of Utah 2023, Chapter 16
62 **76-3-203.3**, as last amended by Laws of Utah 2023, Chapter 111
63 **76-3-402**, as last amended by Laws of Utah 2023, Chapter 132
64 **76-5-207**, as last amended by Laws of Utah 2023, Chapter 415
65 **78B-14-102**, as last amended by Laws of Utah 2015, Chapter 45
66 **78B-25-114**, as enacted by Laws of Utah 2023, Chapter 488

67 REPEALS:

68 **11-26-101**, as enacted by Laws of Utah 2018, Chapter 283
69 **63A-18-101**, as enacted by Laws of Utah 2021, Chapter 84



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

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

73 **13-61-102. Applicability.**

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

- 75 (a) (i) conducts business in the state; or
- 76 (ii) produces a product or service that is targeted to consumers who are residents of the
- 77 state;

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

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

- 80 (i) during a calendar year, controls or processes personal data of 100,000 or more
- 81 consumers; or

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

84 (2) This chapter does not apply to:

- 85 (a) a governmental entity or a third party under contract with a governmental entity
- 86 when the third party is acting on behalf of the governmental entity;
- 87 (b) a tribe;
- 88 (c) an institution of higher education;
- 89 (d) a nonprofit corporation;

- 90 (e) a covered entity;
- 91 (f) a business associate;
- 92 (g) information that meets the definition of:
- 93 (i) protected health information for purposes of the federal Health Insurance Portability
94 and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and related regulations;
- 95 (ii) patient identifying information for purposes of 42 C.F.R. Part 2;
- 96 (iii) identifiable private information for purposes of the Federal Policy for the
97 Protection of Human Subjects, 45 C.F.R. Part 46;
- 98 (iv) identifiable private information or personal data collected as part of human
99 subjects research pursuant to or under the same standards as:
- 100 (A) the good clinical practice guidelines issued by the International Council for
101 Harmonisation; or
- 102 (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional Review
103 Boards under 21 C.F.R. Part 56;
- 104 (v) personal data used or shared in research conducted in accordance with one or more
105 of the requirements described in Subsection (2)(g)(iv);
- 106 (vi) information and documents created specifically for, and collected and maintained
107 by, a committee but not a board or council listed in [~~Section 26-1-7~~] [Section 26B-1-204](#);
- 108 (vii) information and documents created for purposes of the federal Health Care
109 Quality Improvement Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related regulations;
- 110 (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or
- 111 (ix) information that is:
- 112 (A) deidentified in accordance with the requirements for deidentification set forth in 45
113 C.F.R. Part 164; and
- 114 (B) derived from any of the health care-related information listed in this Subsection
115 (2)(g);
- 116 (h) information originating from, and intermingled to be indistinguishable with,
117 information under Subsection (2)(g) that is maintained by:
- 118 (i) a health care facility or health care provider; or
- 119 (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;
- 120 (i) information used only for public health activities and purposes as described in 45

121 C.F.R. Sec. 164.512;

122 (j) (i) an activity by:

123 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;

124 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who provides

125 information for use in a consumer report, as defined in 15 U.S.C. Sec. 1681a; or

126 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;

127 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.

128 1681 et seq.; and

129 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of

130 any personal data bearing on a consumer's:

131 (A) credit worthiness;

132 (B) credit standing;

133 (C) credit capacity;

134 (D) character;

135 (E) general reputation;

136 (F) personal characteristics; or

137 (G) mode of living;

138 (k) a financial institution or an affiliate of a financial institution governed by, or

139 personal data collected, processed, sold, or disclosed in accordance with, Title V of the

140 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;

141 (l) personal data collected, processed, sold, or disclosed in accordance with the federal

142 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;

143 (m) personal data regulated by the federal Family Education Rights and Privacy Act,

144 20 U.S.C. Sec. 1232g, and related regulations;

145 (n) personal data collected, processed, sold, or disclosed in accordance with the federal

146 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;

147 (o) data that are processed or maintained:

148 (i) in the course of an individual applying to, being employed by, or acting as an agent

149 or independent contractor of a controller, processor, or third party, to the extent the collection

150 and use of the data are related to the individual's role;

151 (ii) as the emergency contact information of an individual described in Subsection

- 152 (2)(o)(i) and used for emergency contact purposes; or
- 153 (iii) to administer benefits for another individual relating to an individual described in
- 154 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 155 (p) an individual's processing of personal data for purely personal or household
- 156 purposes; or
- 157 (q) an air carrier.

158 (3) A controller is in compliance with any obligation to obtain parental consent under
159 this chapter if the controller complies with the verifiable parental consent mechanisms under
160 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's
161 implementing regulations and exemptions.

162 (4) This chapter does not require a person to take any action in conflict with the federal
163 Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., or
164 related regulations.

165 Section 2. Section **15A-5-203** is amended to read:

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

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

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

174 (i) the structure:

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

177 (B) does not meet the requirements described in Utah Code, Subsection
178 [65A-8-203\(4\)\(a\)](#) 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, Water Main
182 Design;

183 (iii) the only fire apparatus access road has a grade greater than 10% for more than 500
184 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 is
188 double the average of the total floor area of all floor levels of unsprinkled homes in the
189 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 the
191 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 secured
198 openings or where immediate access is necessary for life-saving or fire-fighting purposes, the
199 fire code official, after consultation with the building owner, may require a key box to be
200 installed in an approved location. The key box shall contain keys to gain necessary access as
201 required by the fire code official. For each fire jurisdiction that has at least one building with a
202 required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating
203 rule or policy that creates a process to ensure that each key to each key box is properly
204 accounted for and secure."

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

209 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as
210 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.
215 One 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 the
218 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 box or
222 similar box with corresponding key system that is adjacent to the elevator for immediate use by
223 the fire department. The key box shall contain one key for each elevator, one key for lobby
224 control, and any other keys necessary for emergency service. The elevator key box shall be
225 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 that term is
230 defined in Utah Code, Section [26B-7-401](#), for which the operator obtains a permit in
231 accordance with [~~Utah Code, Title 26, Chapter 15c, Microenterprise Home Kitchen Act~~]
232 [Section 26B-7-416](#)."

233 (3) For IFC, Chapter 7, Fire and Smoke Protection Features, IFC, Chapter 7, Section
234 705.2, 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 automatic
236 fire sprinkler system installed, the door closers may be of the friction hold-open type on
237 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
241 [17-27a-203](#), 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 the
243 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 territory or of
252 the county as a whole.

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

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

259 (i) a land use element that:

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

264 (B) includes a statement of the projections for and standards of population density and
265 building intensity recommended for the various land use categories covered by the plan;

266 (C) is coordinated to integrate the land use element with the water use and preservation
267 element; and

268 (D) accounts for the effect of land use categories and land uses on water demand;

269 (ii) a transportation and traffic circulation element that:

270 (A) provides the general location and extent of existing and proposed freeways, arterial
271 and collector streets, public transit, active transportation facilities, and other modes of
272 transportation that the planning commission considers appropriate;

273 (B) addresses the county's plan for residential and commercial development around
274 major transit investment corridors to maintain and improve the connections between housing,
275 employment, education, recreation, and commerce; and

276 (C) correlates with the population projections, the employment projections, and the
277 proposed land use element of the general plan;

278 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
279 housing element that:

280 (A) provides a realistic opportunity to meet the need for additional moderate income
281 housing within the next five years;

282 (B) selects three or more moderate income housing strategies described in Subsection
283 (2)(b)(ii) for implementation; and

284 (C) includes an implementation plan as provided in Subsection (2)(e);

285 (iv) a resource management plan detailing the findings, objectives, and policies
286 required by Subsection 17-27a-401(3); and

287 (v) a water use and preservation element that addresses:

288 (A) the effect of permitted development or patterns of development on water demand
289 and water infrastructure;

290 (B) methods of reducing water demand and per capita consumption for future
291 development;

292 (C) methods of reducing water demand and per capita consumption for existing
293 development; and

294 (D) opportunities for the county to modify the county's operations to eliminate
295 practices or conditions that waste water.

296 (b) In drafting the moderate income housing element, the planning commission:

297 (i) shall consider the Legislature's determination that counties should facilitate a
298 reasonable opportunity for a variety of housing, including moderate income housing:

299 (A) to meet the needs of people of various income levels living, working, or desiring to
300 live or work in the community; and

301 (B) to allow people with various incomes to benefit from and fully participate in all
302 aspects of neighborhood and community life; and

303 (ii) shall include an analysis of how the county will provide a realistic opportunity for
304 the development of moderate income housing within the planning horizon, including a
305 recommendation to implement three or more of the following moderate income housing
306 strategies:

- 307 (A) rezone for densities necessary to facilitate the production of moderate income
308 housing;
- 309 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
310 facilitates the construction of moderate income housing;
- 311 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
312 stock into moderate income housing;
- 313 (D) identify and utilize county general fund subsidies or other sources of revenue to
314 waive construction related fees that are otherwise generally imposed by the county for the
315 construction or rehabilitation of moderate income housing;
- 316 (E) create or allow for, and reduce regulations related to, internal or detached accessory
317 dwelling units in residential zones;
- 318 (F) zone or rezone for higher density or moderate income residential development in
319 commercial or mixed-use zones, commercial centers, or employment centers;
- 320 (G) amend land use regulations to allow for higher density or new moderate income
321 residential development in commercial or mixed-use zones near major transit investment
322 corridors;
- 323 (H) amend land use regulations to eliminate or reduce parking requirements for
324 residential development where a resident is less likely to rely on the resident's own vehicle,
325 such as residential development near major transit investment corridors or senior living
326 facilities;
- 327 (I) amend land use regulations to allow for single room occupancy developments;
- 328 (J) implement zoning incentives for moderate income units in new developments;
- 329 (K) preserve existing and new moderate income housing and subsidized units by
330 utilizing a landlord incentive program, providing for deed restricted units through a grant
331 program, or establishing a housing loss mitigation fund;
- 332 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 333 (M) demonstrate creation of, or participation in, a community land trust program for
334 moderate income housing;
- 335 (N) implement a mortgage assistance program for employees of the county, an
336 employer that provides contracted services for the county, or any other public employer that
337 operates within the county;

338 (O) apply for or partner with an entity that applies for state or federal funds or tax
339 incentives to promote the construction of moderate income housing, an entity that applies for
340 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
341 entity that applies for affordable housing programs administered by the Department of
342 Workforce Services, an entity that applies for services provided by a public housing authority
343 to preserve and create moderate income housing, or any other entity that applies for programs
344 or services that promote the construction or preservation of moderate income housing;

345 (P) demonstrate utilization of a moderate income housing set aside from a community
346 reinvestment agency, redevelopment agency, or community development and renewal agency
347 to create or subsidize moderate income housing;

348 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
349 Part 6, Housing and Transit Reinvestment Zone Act;

350 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
351 accessory dwelling unit as defined in Section 10-9a-530;

352 (S) create a program to transfer development rights for moderate income housing;

353 (T) ratify a joint acquisition agreement with another local political subdivision for the
354 purpose of combining resources to acquire property for moderate income housing;

355 (U) develop a moderate income housing project for residents who are disabled or 55
356 years old or older;

357 (V) create or allow for, and reduce regulations related to, multifamily residential
358 dwellings compatible in scale and form with detached single-family residential dwellings and
359 located in walkable communities within residential or mixed-use zones; and

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

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

369 (2)(b)(ii)(Q).

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

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

374 (i) identify and consider each agriculture protection area within the unincorporated area
375 of the county or mountainous planning district;

376 (ii) avoid proposing a use of land within an agriculture protection area that is
377 inconsistent with or detrimental to the use of the land for agriculture; and

378 (iii) consider and coordinate with any station area plans adopted by municipalities
379 located within the county under Section 10-9a-403.1.

380 ~~[(f)]~~ (f) In drafting the transportation and traffic circulation element, the planning
381 commission shall:

382 (i) (A) consider and coordinate with the regional transportation plan developed by the
383 county's region's metropolitan planning organization, if the relevant areas of the county are
384 within the boundaries of a metropolitan planning organization; or

385 (B) consider and coordinate with the long-range transportation plan developed by the
386 Department of Transportation, if the relevant areas of the county are not within the boundaries
387 of a metropolitan planning organization; and

388 (ii) consider and coordinate with any station area plans adopted by municipalities
389 located within the county under Section 10-9a-403.1.

390 ~~[(g)]~~ (g) (i) In drafting the implementation plan portion of the moderate income
391 housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall
392 recommend to the legislative body the establishment of a five-year timeline for implementing
393 each of the moderate income housing strategies selected by the county for implementation.

394 (ii) The timeline described in Subsection ~~[(2)(e)(i)]~~ (2)(g)(i) shall:

395 (A) identify specific measures and benchmarks for implementing each moderate
396 income housing strategy selected by the county; and

397 (B) provide flexibility for the county to make adjustments as needed.

398 ~~[(h)]~~ (h) In drafting the water use and preservation element, the planning commission:

399 (i) shall consider applicable regional water conservation goals recommended by the

400 Division of Water Resources;

401 (ii) shall consult with the Division of Water Resources for information and technical
402 resources regarding regional water conservation goals, including how implementation of the
403 land use element and water use and preservation element may affect the Great Salt Lake;

404 (iii) shall notify the community water systems serving drinking water within the
405 unincorporated portion of the county and request feedback from the community water systems
406 about how implementation of the land use element and water use and preservation element may
407 affect:

408 (A) water supply planning, including drinking water source and storage capacity
409 consistent with Section 19-4-114; and

410 (B) water distribution planning, including master plans, infrastructure asset
411 management programs and plans, infrastructure replacement plans, and impact fee facilities
412 plans;

413 (iv) shall consider the potential opportunities and benefits of planning for
414 regionalization of public water systems;

415 (v) shall consult with the Department of Agriculture and Food for information and
416 technical resources regarding the potential benefits of agriculture conservation easements and
417 potential implementation of agriculture water optimization projects that would support regional
418 water conservation goals;

419 (vi) shall notify an irrigation or canal company located in the county so that the
420 irrigation or canal company can be involved in the protection and integrity of the irrigation or
421 canal company's delivery systems;

422 (vii) shall include a recommendation for:

423 (A) water conservation policies to be determined by the county; and

424 (B) landscaping options within a public street for current and future development that
425 do not require the use of lawn or turf in a parkstrip;

426 (viii) shall review the county's land use ordinances and include a recommendation for
427 changes to an ordinance that promotes the inefficient use of water;

428 (ix) shall consider principles of sustainable landscaping, including the:

429 (A) reduction or limitation of the use of lawn or turf;

430 (B) promotion of site-specific landscape design that decreases stormwater runoff or

431 runoff of water used for irrigation;

432 (C) preservation and use of healthy trees that have a reasonable water requirement or
433 are resistant to dry soil conditions;

434 (D) elimination or regulation of ponds, pools, and other features that promote
435 unnecessary water evaporation;

436 (E) reduction of yard waste; and

437 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
438 optimal amount of water to the plants being irrigated;

439 (x) may include recommendations for additional water demand reduction strategies,
440 including:

441 (A) creating a water budget associated with a particular type of development;

442 (B) adopting new or modified lot size, configuration, and landscaping standards that
443 will reduce water demand for new single family development;

444 (C) providing one or more water reduction incentives for existing landscapes and
445 irrigation systems and installation of water fixtures or systems that minimize water demand;

446 (D) discouraging incentives for economic development activities that do not adequately
447 account for water use or do not include strategies for reducing water demand; and

448 (E) adopting water concurrency standards requiring that adequate water supplies and
449 facilities are or will be in place for new development; and

450 (xi) shall include a recommendation for low water use landscaping standards for a new:

451 (A) commercial, industrial, or institutional development;

452 (B) common interest community, as defined in Section [57-25-102](#); or

453 (C) multifamily housing project.

454 (3) The proposed general plan may include:

455 (a) an environmental element that addresses:

456 (i) to the extent not covered by the county's resource management plan, the protection,
457 conservation, development, and use of natural resources, including the quality of:

458 (A) air;

459 (B) forests;

460 (C) soils;

461 (D) rivers;

- 462 (E) groundwater and other waters;
- 463 (F) harbors;
- 464 (G) fisheries;
- 465 (H) wildlife;
- 466 (I) minerals; and
- 467 (J) other natural resources; and
- 468 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 469 of streams and other waters;
- 470 (B) the regulation of the use of land on hillsides, stream channels and other
- 471 environmentally sensitive areas;
- 472 (C) the prevention, control, and correction of the erosion of soils;
- 473 (D) the preservation and enhancement of watersheds and wetlands; and
- 474 (E) the mapping of known geologic hazards;
- 475 (b) a public services and facilities element showing general plans for sewage, water,
- 476 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 477 police and fire protection, and other public services;
- 478 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 479 programs for:
- 480 (i) historic preservation;
- 481 (ii) the diminution or elimination of a development impediment as defined in Section
- 482 [17C-1-102](#); and
- 483 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 484 public building sites;
- 485 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 486 economic development plan, which may include review of existing and projected county
- 487 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 488 primary and secondary market areas, employment, and retail sales activity;
- 489 (e) recommendations for implementing all or any portion of the general plan, including
- 490 the adoption of land and water use ordinances, capital improvement plans, community
- 491 development and promotion, and any other appropriate action;
- 492 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or

493 (3)(a)(i); and

494 (g) any other element the county considers appropriate.

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

496 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**
497 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

498 (1) As used in this section:

499 (a) "Division" means the Housing and Community Development Division within the
500 Department of Workforce Services.

501 (b) "Implementation plan" means the implementation plan adopted as part of the
502 moderate income housing element of a specified county's general plan as provided in
503 Subsection [~~17-27a-403(2)(c)~~] 17-27a-403(2)(g).

504 (c) "Initial report" means the one-time moderate income housing report described in
505 Subsection (2).

506 (d) "Moderate income housing strategy" means a strategy described in Subsection
507 17-27a-403(2)(b)(ii).

508 (e) "Report" means an initial report or a subsequent report.

509 (f) "Specified county" means a county of the first, second, or third class, which has a
510 population of more than 5,000 in the county's unincorporated areas.

511 (g) "Subsequent progress report" means the annual moderate income housing report
512 described in Subsection (3).

513 (2) (a) The legislative body of a specified county shall annually submit an initial report
514 to the division.

515 (b) (i) This Subsection (2)(b) applies to a county that is not a specified county as of
516 January 1, 2023.

517 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one
518 class to another or grows in population to qualify as a specified county, the county shall submit
519 an initial plan to the division on or before August 1 of the first calendar year beginning on
520 January 1 in which the county qualifies as a specified county.

521 (c) The initial report shall:

522 (i) identify each moderate income housing strategy selected by the specified county for
523 continued, ongoing, or one-time implementation, using the exact language used to describe the

524 moderate income housing strategy in Subsection 17-27a-403(2)(b)(ii); and

525 (ii) include an implementation plan.

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

530 (b) The subsequent progress report shall include:

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

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

538 (iii) a description of any barriers encountered by the specified county in the previous
539 12-month period in implementing the moderate income housing strategies;

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

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

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

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

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

549 (c) For purposes of describing actions taken by a specified county under Subsection
550 (3)(b)(i), the specified county may include an ongoing action taken by the specified county
551 prior to the 12-month reporting period applicable to the subsequent progress report if the
552 specified county:

553 (i) has already adopted an ordinance, approved a land use application, made an
554 investment, or approved an agreement or financing that substantially promotes the

555 implementation of a moderate income housing strategy identified in the initial report; and

556 (ii) demonstrates in the subsequent progress report that the action taken under
557 Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified county's
558 implementation plan.

559 (d) A specified county's report shall be in a form:

560 (i) approved by the division; and

561 (ii) made available by the division on or before May 1 of the year in which the report is
562 required.

563 (4) Within 90 days after the day on which the division receives a specified county's
564 report, the division shall:

565 (a) post the report on the division's website;

566 (b) send a copy of the report to the Department of Transportation, the Governor's
567 Office of Planning and Budget, the association of governments in which the specified county is
568 located, and, if the unincorporated area of the specified county is located within the boundaries
569 of a metropolitan planning organization, the appropriate metropolitan planning organization;
570 and

571 (c) subject to Subsection (5), review the report to determine compliance with this
572 section.

573 (5) (a) An initial report does not comply with this section unless the report:

574 (i) includes the information required under Subsection (2)(c);

575 (ii) subject to Subsection (5)(c), demonstrates to the division that the specified county
576 made plans to implement three or more moderate income housing strategies; and

577 (iii) is in a form approved by the division.

578 (b) A subsequent progress report does not comply with this section unless the report:

579 (i) subject to Subsection (5)(c), demonstrates to the division that the specified county
580 made plans to implement three or more moderate income housing strategies;

581 (ii) is in a form approved by the division; and

582 (iii) provides sufficient information for the division to:

583 (A) assess the specified county's progress in implementing the moderate income
584 housing strategies;

585 (B) monitor compliance with the specified county's implementation plan;

586 (C) identify a clear correlation between the specified county's land use decisions and
587 efforts to implement the moderate income housing strategies;

588 (D) identify how the market has responded to the specified county's selected moderate
589 income housing strategies; and

590 (E) identify any barriers encountered by the specified county in implementing the
591 selected moderate income housing strategies.

592 (c) (i) This Subsection (5)(c) applies to a specified county that has created a small
593 public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.

594 (ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a
595 specified county described in Subsection (5)(c)(i) does not comply with this section unless the
596 report demonstrates to the division that the specified county:

597 (A) made plans to implement the moderate income housing strategy described in
598 Subsection 17-27a-403(2)(b)(ii)(Q); and

599 (B) is in compliance with Subsection 63N-3-603(8).

600 (6) (a) A specified county qualifies for priority consideration under this Subsection (6)
601 if the specified county's report:

602 (i) complies with this section; and

603 (ii) demonstrates to the division that the specified county made plans to implement five
604 or more moderate income housing strategies.

605 (b) The Transportation Commission may, in accordance with Subsection
606 72-1-304(3)(c), give priority consideration to transportation projects located within the
607 unincorporated areas of a specified county described in Subsection (6)(a) until the Department
608 of Transportation receives notice from the division under Subsection (6)(e).

609 (c) Upon determining that a specified county qualifies for priority consideration under
610 this Subsection (6), the division shall send a notice of prioritization to the legislative body of
611 the specified county and the Department of Transportation.

612 (d) The notice described in Subsection (6)(c) shall:

613 (i) name the specified county that qualifies for priority consideration;

614 (ii) describe the funds or projects for which the specified county qualifies to receive
615 priority consideration; and

616 (iii) state the basis for the division's determination that the specified county qualifies

617 for priority consideration.

618 (e) The division shall notify the legislative body of a specified county and the
619 Department of Transportation in writing if the division determines that the specified county no
620 longer qualifies for priority consideration under this Subsection (6).

621 (7) (a) If the division, after reviewing a specified county's report, determines that the
622 report does not comply with this section, the division shall send a notice of noncompliance to
623 the legislative body of the specified county.

624 (b) A specified county that receives a notice of noncompliance may:

625 (i) cure each deficiency in the report within 90 days after the day on which the notice of
626 noncompliance is sent; or

627 (ii) request an appeal of the division's determination of noncompliance within 10 days
628 after the day on which the notice of noncompliance is sent.

629 (c) The notice described in Subsection (7)(a) shall:

630 (i) describe each deficiency in the report and the actions needed to cure each
631 deficiency;

632 (ii) state that the specified county has an opportunity to:

633 (A) submit to the division a corrected report that cures each deficiency in the report
634 within 90 days after the day on which the notice of noncompliance is sent; or

635 (B) submit to the division a request for an appeal of the division's determination of
636 noncompliance within 10 days after the day on which the notice of noncompliance is sent; and

637 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the
638 specified county's ineligibility for funds and fees owed under Subsection (9).

639 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the
640 action needed to cure the deficiency as described by the division requires the specified county
641 to make a legislative change, the specified county may cure the deficiency by making that
642 legislative change within the 90-day cure period.

643 (e) (i) If a specified county submits to the division a corrected report in accordance
644 with Subsection (7)(b)(i), and the division determines that the corrected report does not comply
645 with this section, the division shall send a second notice of noncompliance to the legislative
646 body of the specified county.

647 (ii) A specified county that receives a second notice of noncompliance may request an

648 appeal of the division's determination of noncompliance within 10 days after the day on which
649 the second notice of noncompliance is sent.

650 (iii) The notice described in Subsection (7)(e)(i) shall:

651 (A) state that the specified county has an opportunity to submit to the division a request
652 for an appeal of the division's determination of noncompliance within 10 days after the day on
653 which the second notice of noncompliance is sent; and

654 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the
655 specified county's ineligibility for funds under Subsection (9).

656 (8) (a) A specified county that receives a notice of noncompliance under Subsection
657 (7)(a) or (7)(e)(i) may request an appeal of the division's determination of noncompliance
658 within 10 days after the day on which the notice of noncompliance is sent.

659 (b) Within 90 days after the day on which the division receives a request for an appeal,
660 an appeal board consisting of the following three members shall review and issue a written
661 decision on the appeal:

662 (i) one individual appointed by the Utah Association of Counties;

663 (ii) one individual appointed by the Utah Homebuilders Association; and

664 (iii) one individual appointed by the presiding member of the association of
665 governments, established pursuant to an interlocal agreement under Title 11, Chapter 13,
666 Interlocal Cooperation Act, of which the specified county is a member.

667 (c) The written decision of the appeal board shall either uphold or reverse the division's
668 determination of noncompliance.

669 (d) The appeal board's written decision on the appeal is final.

670 (9) (a) A specified county is ineligible for funds and owes a fee under this Subsection
671 (9) if:

672 (i) the specified county fails to submit a report to the division;

673 (ii) after submitting a report to the division, the division determines that the report does
674 not comply with this section and the specified county fails to:

675 (A) cure each deficiency in the report within 90 days after the day on which the notice
676 of noncompliance is sent; or

677 (B) request an appeal of the division's determination of noncompliance within 10 days
678 after the day on which the notice of noncompliance is sent;

679 (iii) after submitting to the division a corrected report to cure the deficiencies in a
680 previously-submitted report, the division determines that the corrected report does not comply
681 with this section and the specified county fails to request an appeal of the division's
682 determination of noncompliance within 10 days after the day on which the second notice of
683 noncompliance is sent; or

684 (iv) after submitting a request for an appeal under Subsection (8), the appeal board
685 issues a written decision upholding the division's determination of noncompliance.

686 (b) The following apply to a specified county described in Subsection (9)(a) until the
687 division provides notice under Subsection (9)(e):

688 (i) the executive director of the Department of Transportation may not program funds
689 from the Transportation Investment Fund of 2005, including the Transit Transportation
690 Investment Fund, to projects located within the unincorporated areas of the specified county in
691 accordance with Subsection 72-2-124(6);

692 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to
693 the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:

694 (A) fails to submit the report to the division in accordance with this section, beginning
695 the day after the day on which the report was due; or

696 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
697 the cure was required to occur as described in the notice of noncompliance under Subsection
698 (7); and

699 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee to
700 the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county,
701 for a consecutive year:

702 (A) fails to submit the report to the division in accordance with this section, beginning
703 the day after the day on which the report was due; or

704 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
705 the cure was required to occur as described in the notice of noncompliance under Subsection
706 (7).

707 (c) Upon determining that a specified county is ineligible for funds under this
708 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division
709 shall send a notice of ineligibility to the legislative body of the specified county, the

710 Department of Transportation, the State Tax Commission, and the Governor's Office of
711 Planning and Budget.

712 (d) The notice described in Subsection (9)(c) shall:

713 (i) name the specified county that is ineligible for funds;

714 (ii) describe the funds for which the specified county is ineligible to receive;

715 (iii) describe the fee the specified county is required to pay under Subsection (9)(b), if
716 applicable; and

717 (iv) state the basis for the division's determination that the specified county is ineligible
718 for funds.

719 (e) The division shall notify the legislative body of a specified county and the
720 Department of Transportation in writing if the division determines that the provisions of this
721 Subsection (9) no longer apply to the specified county.

722 (f) The division may not determine that a specified county that is required to pay a fee
723 under Subsection (9)(b) is in compliance with the reporting requirements of this section until
724 the specified county pays all outstanding fees required under Subsection (9)(b) to the Olene
725 Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing
726 Loan Fund.

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

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

731 **23A-4-704. Bear hunting permit.**

732 (1) A person 12 years old or older may apply for or obtain a permit to take bear as
733 provided by a rule or proclamation of the Wildlife Board upon:

734 (a) paying the [~~cougar or~~] bear hunting permit fee established by the Wildlife Board;
735 and

736 (b) possessing a valid hunting or combination license.

737 (2) A person 11 years old may apply for or obtain a bear hunting permit consistent with
738 the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year
739 in which the permit is issued.

740 (3) The division shall use one dollar of a bear permit fee collected from a resident for

741 the hunter education program.

742 Section 6. Section **26B-4-123 (Superseded 07/01/24)** is amended to read:

743 **26B-4-123 (Superseded 07/01/24). Out-of-state vehicles.**

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

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

750 (a) transport a patient into Utah; and

751 (b) provide assistance in time of disaster.

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

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

757 **32B-6-205.4. Small full-service restaurant licensee -- Exemption.**

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

761 (a) seating in the dispensing area is the only seating available for patrons on the
762 licensed premises;

763 (b) the minor is accompanied by an individual who is 21 years [~~of age~~] old or older;
764 and

765 (c) the small full-service restaurant licensee applies for and obtains approval from the
766 department to seat minors in the dispensing area in accordance with this section.

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

769 (3) The department shall:

770 (a) grant an approval described in Subsection (1)(c) if the small full-service restaurant
771 licensee demonstrates that the small full-service restaurant licensee meets the requirements

772 described in Subsection 32B-6-202(3); and

773 (b) for each application described in Subsection (1)(c) that the department receives on
774 or before May 8, 2018, act on the application on or before July 1, 2018.

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

776 **32B-6-305.4. Small limited-service restaurant licensee -- Exemption.**

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

780 (a) seating in the dispensing area is the only seating available for patrons on the
781 licensed premises;

782 (b) the minor is accompanied by an individual who is 21 years of age or older; and

783 (c) the small limited-service restaurant licensee applies for and obtains approval from
784 the department to seat minors in the dispensing area in accordance with this section.

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

787 (3) The department shall:

788 (a) grant an approval described in Subsection (1)(c) if the small limited-service
789 restaurant licensee demonstrates that the small limited-service restaurant licensee meets the
790 requirements described in Subsection [~~32B-6-302(5)~~] 32B-6-302(3); and

791 (b) for each application described in Subsection (1)(c) that the department receives on
792 or before May 8, 2018, act on the application on or before July 1, 2018.

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

794 **32B-6-905.3. Small beer-only restaurant licensee -- Exemption.**

795 (1) [~~Notwithstanding the provisions of Section 32B-6-905 or 32B-6-905.2 and subject~~
796 ~~to Subsection (2), a~~] A minor may sit, remain, or consume food or beverages in the dispensing
797 area of a small beer-only restaurant licensee if:

798 (a) seating in the dispensing area is the only seating available for patrons on the
799 licensed premises;

800 (b) the minor is accompanied by an individual who is 21 years of age or older; and

801 (c) the small beer-only restaurant licensee applies for and obtains approval from the
802 department to seat minors in the dispensing area in accordance with this section.

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

805 (3) The department shall:

806 (a) grant an approval described in Subsection (1)(c) if the small beer-only restaurant
807 licensee demonstrates that the small beer-only restaurant licensee meets the requirements
808 described in Subsection [~~32B-6-902(1)(e)~~] 32B-6-902(1)(c); and

809 (b) for each application described in Subsection (1)(c) that the department receives on
810 or before May 8, 2018, act on the application on or before July 1, 2018.

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

812 **34A-2-424. Prescribing policies for certain opioid prescriptions.**

813 (1) This section applies to a person regulated by this chapter or Chapter 3, Utah
814 Occupational Disease Act.

815 (2) A self-insured employer, as that term is defined in Section 34A-2-201.5, an
816 insurance carrier, and a managed health care program under Section 34A-2-111 may implement
817 a prescribing policy for certain opioid prescriptions [~~in accordance with Section~~
818 ~~31A-22-615.5~~].

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

820 **35A-8-509. Economic Revitalization and Investment Fund.**

821 (1) There is created an enterprise fund known as the "Economic Revitalization and
822 Investment Fund."

823 (2) The Economic Revitalization and Investment Fund consists of money from the
824 following:

825 (a) money appropriated to the account by the Legislature;

826 (b) private contributions;

827 (c) donations or grants from public or private entities; and

828 (d) money returned to the department under Subsection 35A-8-512(3)(a).

829 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall
830 be deposited into the Economic Revitalization and Investment Fund.

831 (4) The executive director may distribute money from the Economic Revitalization and
832 Investment Fund to one or more projects that:

833 (a) include affordable housing units for households whose income is no more than 30%

834 of the area median income for households of the same size in the county or municipality where
835 the project is located; and

836 (b) have been approved by the board in accordance with Section 35A-8-510.

837 (5) (a) A housing sponsor may apply to the department to receive a distribution in
838 accordance with Subsection (4).

839 (b) The application shall include:

840 (i) the location of the project;

841 (ii) the number, size, and tenant income requirements of affordable housing units

842 described in Subsection (4)(a) that will be included in the project; and

843 (iii) a written commitment to enter into a deed restriction that reserves for a period of
844 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for
845 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

846 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit
847 is:

848 ~~[(i)-(A)]~~ (i) occupied or reserved for occupancy by a household whose income is no
849 more than 30% of the area median income for households of the same size in the county or
850 municipality where the project is located; or

851 ~~[(B)]~~ (ii) occupied by a household whose income is no more than 60% of the area
852 median income for households of the same size in the county or municipality where the project
853 is located if that household met the income requirement described in Subsection (4)(a) when
854 the household originally entered into the lease agreement for the housing unit~~[-and].~~

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

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

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

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

863 **35A-16-503. Rules.**

864 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

865 office shall make rules governing:

866 (1) the submission of [~~an overflow~~] a winter response plan under Subsection
867 35A-16-502(1);

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

870 (3) the process of sending a notice of noncompliance under Subsection
871 [~~35A-16-502(5)~~] 35A-16-502(6); and

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

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

875 **35A-16-703. Provisions in effect for duration of code blue alert.**

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

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

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

885 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
886 homelessness who requests access to the homeless shelter for temporary shelter unless the
887 homeless shelter is at the capacity limit described in Subsection (1) or if the individual presents
888 a danger to the homeless shelter's staff or guests;

889 (4) any indoor facility owned by a private organization, nonprofit organization, state
890 government entity, or local government entity may be used to provide temporary shelter to
891 individuals experiencing homelessness and is exempt from the licensure requirements of [~~Title~~
892 ~~62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2, Licensing and
893 Certifications, for the duration of the code blue alert and seven days following the day on
894 which the code blue alert ends, so long as the facility is in compliance with the applicable
895 building code and fire code;

896 (5) homeless shelters, state and local government entities, and other organizations that
897 provide services to individuals experiencing homelessness shall coordinate street outreach
898 efforts to distribute to individuals experiencing homelessness any available resources for
899 survival in cold weather, including clothing items and blankets;

900 (6) if no beds or other accommodations are available at any homeless shelters located
901 within the affected county, a municipality may not enforce an ordinance that prohibits or abates
902 camping for the duration of the code blue alert and the two days following the day on which the
903 code blue alert ends;

904 (7) a state or local government entity, including a municipality, law enforcement
905 agency, and local health department may not enforce an ordinance or policy to seize from
906 individuals experiencing homelessness any personal items for survival in cold weather,
907 including clothing, blankets, tents, sleeping bags, heaters, stoves, and generators; and

908 (8) a municipality or other local government entity may not enforce any ordinance or
909 policy that limits or restricts the ability for the provisions described in Subsections (1) through
910 (7) to take effect, including local zoning ordinances.

911 Section 14. Section **39A-3-105** is amended to read:

912 **39A-3-105. General officer salary and benefits.**

913 (1) Full-time, state employed general officers or officers appointed to a general officer
914 position shall receive a salary that makes the total federal and state compensation at least
915 commensurate with the pay and allowances for their military grade or assigned position, time
916 in grade, and time in service as established in the United States Department of Defense Finance
917 and Accounting Services annual pay and allowances chart.

918 (2) General officers appointed to state employment shall receive the benefits and
919 protections in Section ~~[39-1-36]~~ [71A-8-101](#) for the term of the appointment.

920 Section 15. Section **41-1a-419** is amended to read:

921 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**
922 **Personalized special group license plates -- Rulemaking.**

923 (1) (a) In accordance with Subsection (1)(b), the division shall determine the design
924 and number of numerals or characters on a special group license plate.

925 (b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate
926 shall display:

- 927 (A) the word Utah;
- 928 (B) the name or identifying slogan of the special group;
- 929 (C) a symbol decal not exceeding two positions in size representing the special group;
- 930 and
- 931 (D) the combination of letters, numbers, or both uniquely identifying the registered
- 932 vehicle.
- 933 (ii) The division, in consultation with the Utah State Historical Society, shall design
- 934 the historical support special group license plate, which shall:
- 935 (A) have a black background;
- 936 (B) have white characters; and
- 937 (C) display the word Utah.
- 938 (2) (a) The division shall, after consultation with a representative designated by the
- 939 sponsoring organization as defined in Section 41-1a-1601, specify the word or words
- 940 comprising the special group name and the symbol decal to be displayed upon the special group
- 941 license plate.
- 942 (b) A special group license plate symbol decal may not be redesigned:
- 943 (i) unless the division receives a redesign fee established by the division under Section
- 944 63J-1-504; and
- 945 (ii) more frequently than every five years.
- 946 (c) A special group license plate symbol decal may not be reordered unless the division
- 947 receives a symbol decal reorder fee established by the division in accordance with Section
- 948 63J-1-504.
- 949 (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid
- 950 without renewal as long as the vehicle is owned by the registered owner and the license plates
- 951 may not be recalled by the division.
- 952 (4) [~~Subject to Subsection 41-1a-411(4)(a), a~~] A person who meets the requirements
- 953 described in this part or Part 16, Sponsored Special Group License Plates, for a special group
- 954 license plate may, apply for a personalized special group license plate in accordance with
- 955 Sections 41-1a-410 and 41-1a-411.
- 956 (5) Subject to this chapter, the commission shall make rules in accordance with Title
- 957 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

958 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
959 license plates; and

960 (b) establish the number of numerals or characters for special group license plates.

961 Section 16. Section **49-20-415** is amended to read:

962 **49-20-415. Prescribing policies for certain opioid prescriptions.**

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

965 Section 17. Section **52-4-204** is amended to read:

966 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**
967 **meeting recorded.**

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

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

970 (ii) the meeting is an open meeting for which notice has been given under Section
971 [52-4-202](#); and

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

974 (B) for a meeting that is required to be closed under Section [52-4-205](#), if a majority of
975 the members of the public body present at an open meeting vote to approve closing the
976 meeting;

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

982 (D) for the Political Subdivisions Ethics Review Commission established in Section
983 [63A-15-201](#) that is conducting an open meeting for the purpose of reviewing an ethics
984 complaint in accordance with Section [63A-15-701](#), a majority of the members present vote to
985 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,
986 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the
987 complaint;

988 (E) for a project entity that is conducting an open meeting for the purposes of

989 determining the value of an asset, developing a strategy related to the sale or use of that asset;

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

993 (G) for a project entity that is conducting an open meeting for purposes of discussing a
994 record, the disclosure of which could cause commercial injury to, or confer a competitive
995 advantage upon a potential competitor of, the project entity; or

996 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is
997 convened for the purpose of conducting business relating to the receipt or review of an ethics
998 complaint, if public notice of the closed meeting is given under Section 52-4-202, with the
999 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting
1000 business relating to the receipt or review of ethics complaints";

1001 (ii) for the Political Subdivisions Ethics Review Commission established in Section
1002 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to
1003 the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public
1004 notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting
1005 stating that the meeting will be closed for the purpose of "conducting business relating to the
1006 review of ethics complaints"; or

1007 (iii) for the Independent Executive Branch Ethics Commission created in Section
1008 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to
1009 an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202,
1010 with the agenda for the meeting stating that the meeting will be closed for the purpose of
1011 "conducting business relating to an ethics complaint." [~~or~~]

1012 [~~(iv) for the Data Security Management Council created in Section 63A-16-701, the~~
1013 ~~closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of~~
1014 ~~the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating~~
1015 ~~that the meeting will be closed for the purpose of "conducting business relating to information~~
1016 ~~technology security."~~]

1017 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting
1018 is permitted under Section 52-4-205.

1019 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be

1020 approved at a closed meeting.

1021 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a
1022 motion to end the closed portion of the meeting and return to an open meeting.

1023 (ii) A motion to end the closed portion of a meeting may be approved by a majority of
1024 the public body members present at the meeting.

1025 (4) The following information shall be publicly announced and entered on the minutes
1026 of the open meeting at which the closed meeting was approved:

1027 (a) the reason or reasons for holding the closed meeting;

1028 (b) the location where the closed meeting will be held; and

1029 (c) the vote by name, of each member of the public body, either for or against the
1030 motion to hold the closed meeting.

1031 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be
1032 construed to require any meeting to be closed to the public.

1033 Section 18. Section 52-4-207 is amended to read:

1034 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

1035 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public
1036 body may convene and conduct an electronic meeting in accordance with this section.

1037 (2) (a) A public body may not hold an electronic meeting unless the public body has
1038 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

1039 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an
1040 electronic meeting shall establish the conditions under which a remote member is included in
1041 calculating a quorum.

1042 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:

1043 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
1044 considerations;

1045 (ii) require a quorum of the public body to:

1046 (A) be present at a single anchor location for the meeting; and

1047 (B) vote to approve establishment of an electronic meeting in order to include other
1048 members of the public body through an electronic connection;

1049 (iii) require a request for an electronic meeting to be made by a member of a public
1050 body up to three days prior to the meeting to allow for arrangements to be made for the

1051 electronic meeting;

1052 (iv) restrict the number of separate connections for members of the public body that are
1053 allowed for an electronic meeting based on available equipment capability;

1054 (v) if the public body is statutorily authorized to allow a member of the public body to
1055 act by proxy, establish the conditions under which a member may vote or take other action by
1056 proxy; or

1057 (vi) establish other procedures, limitations, or conditions governing electronic meetings
1058 not in conflict with this section.

1059 (3) A public body that convenes and conducts an electronic meeting shall:

1060 (a) give public notice of the electronic meeting in accordance with Section [52-4-202](#);

1061 (b) except for an electronic meeting described in Subsection (5), post written notice of
1062 the electronic meeting at the anchor location; and

1063 (c) except as otherwise provided in a rule of the Legislature applicable to the public
1064 body, at least 24 hours before the electronic meeting is scheduled to begin, provide each
1065 member of the public body a description of how to electronically connect to the meeting.

1066 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts
1067 an electronic meeting shall provide space and facilities at an anchor location for members of
1068 the public to attend the open portions of the meeting.

1069 (b) A public body that convenes and conducts an electronic meeting may provide
1070 means by which members of the public may attend the meeting remotely by electronic means.

1071 (5) Subsection (4)(a) does not apply to an electronic meeting if:

1072 (a) (i) the chair of the public body determines that:

1073 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
1074 to the health or safety of those present or who would otherwise be present at the anchor
1075 location; or

1076 (B) the location where the public body would normally meet has been ordered closed
1077 to the public for health or safety reasons; and

1078 (ii) the public notice for the meeting includes:

1079 (A) a statement describing the chair's determination under Subsection (5)(a)(i);

1080 (B) a summary of the facts upon which the chair's determination is based; and

1081 (C) information on how a member of the public may attend the meeting remotely by

1082 electronic means;

1083 (b) (i) during the course of the electronic meeting, the chair:

1084 (A) determines that continuing to conduct the electronic meeting as provided in
1085 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
1086 anchor location; and

1087 (B) announces during the electronic meeting the chair's determination under Subsection
1088 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

1089 (ii) in convening the electronic meeting, the public body has provided means by which
1090 members of the public who are not physically present at the anchor location may attend the
1091 electronic meeting remotely by electronic means;

1092 (c) (i) the public body is a special district board of trustees established under Title 17B,
1093 Chapter 1, Part 3, Board of Trustees;

1094 (ii) the board of trustees' membership consists of:

1095 (A) at least two members who are elected or appointed to the board as owners of land,
1096 or as an agent or officer of the owners of land, under the criteria described in Subsection
1097 [17B-1-302\(2\)\(b\)](#); or

1098 (B) at least one member who is elected or appointed to the board as an owner of land,
1099 or as an agent or officer of the owner of land, under the criteria described in Subsection
1100 [17B-1-302\(3\)\(a\)\(ii\)](#);

1101 (iii) the public notice required under Subsection [~~[52-4-202\(3\)\(a\)\(i\)\(B\)](#)~~] [52-4-202\(3\)\(a\)](#)
1102 for the electronic meeting includes information on how a member of the public may attend the
1103 meeting remotely by electronic means; and

1104 (iv) the board of trustees allows members of the public attending the meeting by
1105 remote electronic means to participate in the meeting; or

1106 (d) (i) the public body is a special service district administrative control board
1107 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;

1108 (ii) the administrative control board's membership consists of:

1109 (A) at least one member who is elected or appointed to the board as an owner of land,
1110 or as an agent or officer of the owner of land, under the criteria described in Subsection
1111 [17D-1-304\(1\)\(a\)\(iii\)\(A\)](#) or (B), as applicable; or

1112 (B) members that qualify for election or appointment to the board because the owners

1113 of real property in the special service district meet or exceed the threshold percentage described
1114 in Subsection [17D-1-304\(1\)\(b\)\(i\)](#);

1115 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] [52-4-202\(3\)\(a\)](#)
1116 for the electronic meeting includes information on how a member of the public may attend the
1117 meeting remotely by electronic means; and

1118 (iv) the administrative control board allows members of the public attending the
1119 meeting by remote electronic means to participate in the meeting.

1120 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which
1121 the chair of the public body makes the determination.

1122 (7) Compliance with the provisions of this section by a public body constitutes full and
1123 complete compliance by the public body with the corresponding provisions of Sections
1124 [52-4-201](#) and [52-4-202](#).

1125 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection
1126 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to
1127 vote or otherwise act by proxy.

1128 (9) Except for a unanimous vote, a public body that is conducting an electronic
1129 meeting shall take all votes by roll call.

1130 Section 19. Section **53-2a-206** is amended to read:

1131 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1132 **chief of military forces.**

1133 (1) A state of emergency may be declared by executive order of the governor if the
1134 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1135 any area of the state in which state government assistance is required to supplement the
1136 response and recovery efforts of the affected political subdivision or political subdivisions.

1137 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1138 Subsection (1) expires at the earlier of:

1139 (i) the day on which the governor finds that the threat or danger has passed or the
1140 disaster reduced to the extent that emergency conditions no longer exist;

1141 (ii) 30 days after the date on which the governor declared the state of emergency; or

1142 (iii) the day on which the Legislature terminates the state of emergency by joint
1143 resolution.

1144 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1145 period designated in the joint resolution.

1146 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1147 the state of emergency expires on the date designated in the joint resolution.

1148 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1149 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1150 occurrence as the expired state of emergency.

1151 (3) (a) After a state of emergency expires in accordance with Subsection (2), and
1152 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1153 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1154 circumstances exist.

1155 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1156 accordance with Subsections (2)(a) and (b).

1157 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1158 the governor may not declare a new state of emergency in response to the same disaster or
1159 occurrence as the expired state of emergency, regardless of whether exigent circumstances
1160 exist.

1161 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a
1162 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1163 extend the state of emergency and specify which emergency powers described in this part are
1164 necessary to respond to the emergency conditions present at the time of the extension of the
1165 state of emergency.

1166 (ii) Circumstances that may warrant the extension of a state of emergency with limited
1167 emergency powers include:

1168 (A) the imminent threat of the emergency has passed, but continued fiscal response
1169 remains necessary; or

1170 (B) emergency conditions warrant certain executive actions, but certain emergency
1171 powers such as suspension of enforcement of statute are not necessary.

1172 (b) For any state of emergency extended by the Legislature beyond 30 days as
1173 described in Subsection (2)(b), the Legislature may, by joint resolution:

1174 (i) extend the state of emergency and maintain all of the emergency powers described

1175 in this part; or

1176 (ii) limit or restrict certain emergency powers of:

1177 (A) the division as described in Section 53-2a-104;

1178 (B) the governor as described in Section 53-2a-204;

1179 (C) a chief executive officer of a political subdivision as described in Section

1180 53-2a-205; or

1181 (D) other executive emergency powers described in this chapter.

1182 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the

1183 Legislature shall:

1184 (i) include in the joint resolution findings describing the nature and current conditions

1185 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1186 (ii) clearly enumerate and describe in the joint resolution which powers:

1187 (A) are being limited or restricted; or

1188 (B) shall remain in force.

1189 (5) If the Legislature terminates a state of emergency by joint resolution, the governor

1190 shall issue an executive order ending the state of emergency on receipt of the Legislature's

1191 resolution.

1192 (6) An executive order described in this section to declare a state of emergency shall

1193 state:

1194 (a) the nature of the state of emergency;

1195 (b) the area or areas threatened; and

1196 (c) the conditions creating such an emergency or those conditions allowing termination

1197 of the state of emergency.

1198 (7) During the continuance of any state of emergency the governor is commander in

1199 chief of the military forces of the state in accordance with Utah Constitution Article VII,

1200 Section 4, and [~~Title 39, Chapter 1, State Militia~~] Title 39A, National Guard and Militia Act.

1201 Section 20. Section 53G-5-405 is amended to read:

1202 **53G-5-405. Application of statutes and rules to charter schools.**

1203 (1) A charter school shall operate in accordance with its charter agreement and is

1204 subject to this public education code and other state laws applicable to public schools, except

1205 as otherwise provided in this chapter and other related provisions.

1206 (2) (a) Except as provided in Subsections (2)(b) and (2)(c), state board rules governing
1207 the following do not apply to a charter school:

1208 (i) school libraries;

1209 (ii) required school administrative and supervisory services; and

1210 (iii) required expenditures for instructional supplies.

1211 (b) A charter school shall comply with rules implementing statutes that prescribe how
1212 state appropriations may be spent.

1213 (c) If a charter school provides access to a school library, the charter school governing
1214 board shall provide an online platform:

1215 (i) through which a parent is able to view the title, author, and a description of any
1216 material the parent's child borrows from the school library, including a history of borrowed
1217 materials, either using an existing online platform that the charter school uses or through a
1218 separate platform; and

1219 (ii) (A) for a charter school with 1,000 or more enrolled students, no later than August
1220 1, 2024; and

1221 (B) for a charter school with fewer than 1,000 enrolled students, no later than August 1,
1222 2026.

1223 (3) The following provisions of this public education code, and rules adopted under
1224 those provisions, do not apply to a charter school:

1225 (a) Section 53E-4-408, requiring an independent evaluation of instructional materials;

1226 (b) Section 53G-4-409, requiring the use of activity disclosure statements;

1227 (c) Sections 53G-7-304 and 53G-7-306, pertaining to fiscal procedures of school
1228 districts and local school boards;

1229 [~~(d) Section 53G-7-606, requiring notification of intent to dispose of textbooks;~~]

1230 [~~(e)~~] (d) Section 53G-7-1202, requiring the establishment of a school community
1231 council; and

1232 [~~(f)~~] (e) Section 53G-10-404, requiring annual presentations on adoption.

1233 (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter
1234 school is considered an educational procurement unit as defined in Section 63G-6a-103.

1235 (5) Each charter school shall be subject to:

1236 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

- 1237 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- 1238 (6) (a) A charter school is exempt from Section 51-2a-201.5, requiring accounting
- 1239 reports of certain nonprofit corporations.
- 1240 (b) A charter school is subject to the requirements of Section 53G-5-404.
- 1241 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
- 1242 existing state law and administrative rules for the purpose of determining from which laws and
- 1243 rules charter schools should be exempt.
- 1244 (b) (i) The State Charter School Board shall present recommendations for exemption to
- 1245 the state board for consideration.
- 1246 (ii) The state board shall consider the recommendations of the State Charter School
- 1247 Board and respond within 60 days.
- 1248 Section 21. Section 53G-6-603 is amended to read:
- 1249 **53G-6-603. Requirement of birth certificate for enrollment of students --**
- 1250 **Procedures.**
- 1251 (1) As used in this section:
- 1252 (a) "Child trafficking" means human trafficking of a child in violation of Section
- 1253 76-5-308.5.
- 1254 (b) "Enroller" means an individual who enrolls a student in a public school.
- 1255 (c) "Review team" means a team described in Subsection (4), assigned to determine a
- 1256 student's biological age as described in this section.
- 1257 (d) "Social service provider" means the same as that term is defined in Section
- 1258 53E-3-524.
- 1259 (2) Except as provided in Subsection (3), upon enrollment of a student for the first time
- 1260 in a particular school, that school shall notify the enroller in writing that within 30 days the
- 1261 enroller shall provide to the school either:
- 1262 (a) a certified copy of the student's birth certificate; or
- 1263 (b) (i) other reliable proof of the student's:
- 1264 (A) identity;
- 1265 (B) biological age; and
- 1266 (C) relationship to the student's legally responsible individual; and
- 1267 (ii) an affidavit explaining the enroller's inability to produce a copy of the student's

1268 birth certificate.

1269 (3) (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately
1270 reflects the student's biological age, the enroller shall provide to the school:

1271 (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a);

1272 and

1273 (ii) except as provided in Subsection (4), supporting documentation that establishes the
1274 student's biological age.

1275 (b) The supporting documentation described in Subsection (3)(a)(ii) may include:

1276 (i) a religious, hospital, or physician certificate showing the student's date of birth;

1277 (ii) an entry in a family religious text;

1278 (iii) an adoption record;

1279 (iv) previously verified school records;

1280 (v) previously verified immunization records;

1281 (vi) documentation from a social service provider; or

1282 (vii) other legal documentation, including from a consulate, that reflects the student's
1283 biological age.

1284 (4) (a) If the supporting documentation described in Subsection (3)(b) is not available,
1285 the school shall assign a review team to work with the enroller to determine the student's
1286 biological age for an LEA to use for a student's enrollment and appropriate placement in a
1287 public school.

1288 (b) The review team described in Subsection (4)(a):

1289 (i) may include:

1290 (A) an appropriate district administrator;

1291 (B) the student's teacher or teachers;

1292 (C) the school principal;

1293 (D) a school counselor;

1294 (E) a school social worker;

1295 (F) a school psychologist;

1296 (G) a culturally competent and trauma-informed community representative;

1297 (H) a school nurse or other school health specialist;

1298 (I) an interpreter, if necessary; or

1299 (J) a relevant educational equity administrator; and
1300 (ii) shall include at least three members, at least one of which has completed the
1301 instruction described in Subsection 53G-9-207(3)(a), no more than two years prior to the
1302 member's appointment to the review team.

1303 (c) In addition to any duty to comply with the mandatory reporting requirements
1304 described in [Sections] Section 53E-6-701 [~~and 62A-4a-403~~], a school shall report to local law
1305 enforcement and to the division any sign of child trafficking that the review team identifies in
1306 carrying out the review team's duties described in Subsection (4)(a).

1307 Section 22. Section 58-37-7 is amended to read:

1308 **58-37-7. Labeling and packaging controlled substance -- Informational pamphlet**
1309 **for opiates -- Naloxone education and offer to dispense.**

1310 (1) A person licensed pursuant to this act may not distribute a controlled substance
1311 unless it is packaged and labeled in compliance with the requirements of Section 305 of the
1312 Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

1313 (2) No person except a pharmacist for the purpose of filling a prescription shall alter,
1314 deface, or remove any label affixed by the manufacturer.

1315 (3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription
1316 issued by a practitioner, the pharmacy shall affix to the container in which the substance is sold
1317 or dispensed:

1318 (a) a label showing the:

1319 (i) pharmacy name and address;

1320 (ii) serial number; and

1321 (iii) date of initial filling;

1322 (b) the prescription number, the name of the patient, or if the patient is an animal, the
1323 name of the owner of the animal and the species of the animal;

1324 (c) the name of the practitioner by whom the prescription was written;

1325 (d) any directions stated on the prescription; and

1326 (e) any directions required by rules and regulations promulgated by the department.

1327 (4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled
1328 substance that is an opiate, the pharmacy shall:

1329 (a) affix a warning to the container or the lid for the container in which the substance is

1330 sold or dispensed that contains the following text:

1331 (i) "Caution: Opioid. Risk of overdose and addiction"; or

1332 (ii) any other language that is approved by the Department of Health and Human
1333 Services;

1334 (b) beginning January 1, 2024:

1335 (i) offer to counsel the patient or the patient's representative on the use and availability
1336 of an [~~opioid~~] opiate antagonist as defined in Section 26B-4-501; and

1337 (ii) offer to dispense an [~~opioid~~] opiate antagonist as defined in Section 26B-4-501 to
1338 the patient or the patient's representative, under a prescription from a practitioner or under
1339 Section 26B-4-510, if the patient:

1340 (A) receives a single prescription for 50 morphine milligram equivalents or more per
1341 day, calculated in accordance with guidelines developed by the United States Centers for
1342 Disease Control and Prevention;

1343 (B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to the
1344 patient in the previous 30 day period; or

1345 (C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to the
1346 patient in the previous 30 day period.

1347 (5) (a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled
1348 substance that is an opiate shall, if available from the Department of Health and Human
1349 Services, prominently display at the point of sale the informational pamphlet developed by the
1350 Department of Health and Human Services under Section 26B-4-514.

1351 (b) The board and the Department of Health and Human Services shall encourage
1352 pharmacies to use the informational pamphlet to engage in patient counseling regarding the
1353 risks associated with taking opiates.

1354 (c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy
1355 is unable to obtain the informational pamphlet from the Department of Health and Human
1356 Services for any reason.

1357 (6) A person may not alter the face or remove any label so long as any of the original
1358 contents remain.

1359 (7) (a) An individual to whom or for whose use any controlled substance has been
1360 prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any

1361 controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully
1362 possess it only in the container in which it was delivered to the individual by the person selling
1363 or dispensing it.

1364 (b) It is a defense to a prosecution under this subsection that the person being
1365 prosecuted produces in court a valid prescription for the controlled substance or the original
1366 container with the label attached.

1367 Section 23. Section **58-37-19** is amended to read:

1368 **58-37-19. Opiate prescription consultation -- Prescription for opiate antagonist**
1369 **required.**

1370 (1) As used in this section:

1371 (a) "Initial opiate prescription" means a prescription for an opiate to a patient who:

1372 (i) has never previously been issued a prescription for an opiate; or

1373 (ii) was previously issued a prescription for an opiate, but the date on which the current
1374 prescription is being issued is more than one year after the date on which an opiate was
1375 previously prescribed or administered to the patient.

1376 (b) "[~~Opioid~~] Opiate antagonist" means the same as that term is defined in Section
1377 [26B-4-501](#).

1378 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
1379 under this chapter.

1380 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
1381 prescription without discussing with the patient, or the patient's parent or guardian if the patient
1382 is under 18 years old and is not an emancipated minor:

1383 (a) the risks of addiction and overdose associated with opiate drugs;

1384 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
1385 nervous system depressants;

1386 (c) the reasons why the prescription is necessary;

1387 (d) alternative treatments that may be available; and

1388 (e) other risks associated with the use of the drugs being prescribed.

1389 (3) Subsection (2) does not apply to a prescription for:

1390 (a) a patient who is currently in active treatment for cancer;

1391 (b) a patient who is receiving hospice care from a licensed hospice as defined in

1392 Section [26B-2-201](#); or

1393 (c) a medication that is being prescribed to a patient for the treatment of the patient's
1394 substance abuse or opiate dependence.

1395 (4) (a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an
1396 [~~opiod~~] opiate antagonist to a patient if the patient receives an initial opiate prescription for:

1397 (i) 50 morphine milligram equivalents or more per day, calculated in accordance with
1398 guidelines developed by the United States Centers for Disease Control and Prevention; or

1399 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.

1400 (b) Subsection (4)(a) does not apply if the initial opiate prescription:

1401 (i) is administered directly to an ultimate user by a licensed practitioner; or

1402 (ii) is for a three-day supply or less.

1403 (c) This Subsection (4) does not require a patient to purchase or obtain an [~~opiod~~]
1404 opiate antagonist as a condition of receiving the patient's initial opiate prescription.

1405 Section 24. Section **58-67-305** is amended to read:

1406 **58-67-305. Exemptions from licensure.**

1407 In addition to the exemptions from licensure in Section [58-1-307](#), the following
1408 individuals may engage in the described acts or practices without being licensed under this
1409 chapter:

1410 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1411 value for the service is charged, received, expected, or contemplated;

1412 (2) an individual administering a domestic or family remedy;

1413 (3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements,
1414 herbs, or other products of nature, the sale of which is not otherwise prohibited by state or
1415 federal law; and

1416 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
1417 based on a personal belief, when obtaining or providing any information regarding health care
1418 and the use of any product under Subsection (3)(a)(i); and

1419 (b) Subsection (3)(a) does not:

1420 (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
1421 pain, or other condition; or

1422 (ii) prohibit providing truthful and non-misleading information regarding any of the

- 1423 products under Subsection (3)(a)(i);
- 1424 (4) a person engaged in good faith in the practice of the religious tenets of any church
1425 or religious belief, without the use of prescription drugs;
- 1426 (5) an individual authorized by the Department of Health and Human Services under
1427 Section [~~26-1-30~~] [26B-1-202](#), to draw blood pursuant to Subsection [41-6a-523\(1\)\(a\)\(vi\)](#),
1428 [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#);
- 1429 (6) a medical assistant:
- 1430 (a) administering a vaccine under the general supervision of a physician; or
1431 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1432 delegated by the physician in accordance with the standards and ethics of the practice of
1433 medicine, except for:
- 1434 (i) performing surgical procedures;
1435 (ii) prescribing prescription medications;
1436 (iii) administering anesthesia other than for a local anesthetic for minor procedural use;
- 1437 or
- 1438 (iv) engaging in other medical practices or procedures as defined by division rule in
1439 collaboration with the board;
- 1440 (7) an individual engaging in the practice of medicine when:
- 1441 (a) the individual is licensed in good standing as a physician in another state with no
1442 licensing action pending and no less than 10 years of professional experience;
1443 (b) the services are rendered as a public service and for a noncommercial purpose;
1444 (c) no fee or other consideration of value is charged, received, expected, or
1445 contemplated for the services rendered beyond an amount necessary to cover the proportionate
1446 cost of malpractice insurance; and
- 1447 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
1448 (8) an individual providing expert testimony in a legal proceeding; and
1449 (9) an individual who is invited by a school, association, society, or other body
1450 approved by the division to conduct a clinic or demonstration of the practice of medicine in
1451 which patients are treated, if:
- 1452 (a) the individual does not establish a place of business in this state;
1453 (b) the individual does not regularly engage in the practice of medicine in this state;

1454 (c) the individual holds a current license in good standing to practice medicine issued
1455 by another state, district or territory of the United States, or Canada;

1456 (d) the primary purpose of the event is the training of others in the practice of
1457 medicine; and

1458 (e) neither the patient nor an insurer is billed for the services performed.

1459 Section 25. Section **58-68-305** is amended to read:

1460 **58-68-305. Exemptions from licensure.**

1461 In addition to the exemptions from licensure in Section [58-1-307](#), the following
1462 individuals may engage in the described acts or practices without being licensed under this
1463 chapter:

1464 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1465 value for the service is charged, received, expected, or contemplated;

1466 (2) an individual administering a domestic or family remedy;

1467 (3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary
1468 supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited
1469 by state or federal law; and

1470 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
1471 based on a personal belief, when obtaining or providing any information regarding health care
1472 and the use of any product under Subsection (3)(a)(i); and

1473 (b) Subsection (3)(a) does not:

1474 (i) permit a person to diagnose any human disease, ailment, injury, infirmity,
1475 deformity, pain, or other condition; or

1476 (ii) prohibit providing truthful and non-misleading information regarding any of the
1477 products under Subsection (3)(a)(i);

1478 (4) a person engaged in good faith in the practice of the religious tenets of any church
1479 or religious belief without the use of prescription drugs;

1480 (5) an individual authorized by the Department of Health and Human Services under
1481 Section [~~26-1-30~~] [26B-1-202](#), to draw blood pursuant to Subsection [41-6a-523\(1\)\(a\)\(vi\)](#),
1482 [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#);

1483 (6) a medical assistant:

1484 (a) administering a vaccine under the general supervision of a physician; or

1485 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1486 delegated by the physician in accordance with the standards and ethics of the practice of
1487 medicine, except for:

1488 (i) performing surgical procedures;

1489 (ii) prescribing prescription medications;

1490 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or

1491 (iv) engaging in other medical practices or procedures as defined by division rule in
1492 collaboration with the board;

1493 (7) an individual engaging in the practice of osteopathic medicine when:

1494 (a) the individual is licensed in good standing as an osteopathic physician in another
1495 state with no licensing action pending and no less than 10 years of professional experience;

1496 (b) the services are rendered as a public service and for a noncommercial purpose;

1497 (c) no fee or other consideration of value is charged, received, expected, or

1498 contemplated for the services rendered beyond an amount necessary to cover the proportionate
1499 cost of malpractice insurance; and

1500 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;

1501 (8) an individual providing expert testimony in a legal proceeding; and

1502 (9) an individual who is invited by a school, association, society, or other body

1503 approved by the division in collaboration with the board to conduct a clinic or demonstration of
1504 the practice of medicine in which patients are treated, if:

1505 (a) the individual does not establish a place of business in this state;

1506 (b) the individual does not regularly engage in the practice of medicine in this state;

1507 (c) the individual holds a current license in good standing to practice medicine issued
1508 by another state, district or territory of the United States, or Canada;

1509 (d) the primary purpose of the event is the training of others in the practice of
1510 medicine; and

1511 (e) neither the patient nor an insurer is billed for the services performed.

1512 Section 26. Section **58-71-305** is amended to read:

1513 **58-71-305. Exemptions from licensure.**

1514 In addition to the exemptions from licensure in Section **58-1-307**, the following
1515 individuals may engage in the described acts or practices without being licensed under this

1516 chapter:

1517 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1518 value for the service is charged, received, expected, or contemplated;

1519 (2) an individual administering a domestic or family remedy;

1520 (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs,
1521 or other products of nature, the sale of which is not otherwise prohibited under state or federal
1522 law, but this subsection does not:

1523 (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
1524 pain, or other condition; or

1525 (b) prohibit providing truthful and nonmisleading information regarding any of the
1526 products under this subsection;

1527 (4) a person engaged in good faith in the practice of the religious tenets of any church
1528 or religious belief, without the use of prescription drugs;

1529 (5) a person acting in good faith for religious reasons as a matter of conscience or
1530 based on a personal belief when obtaining or providing information regarding health care and
1531 the use of any product under Subsection (3);

1532 (6) an individual authorized by the Department of Health and Human Services under
1533 Section [~~26-1-30~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
1534 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

1535 (7) a naturopathic medical assistant while working under the direct and immediate
1536 supervision of a licensed naturopathic physician to the extent the medical assistant is engaged
1537 in tasks appropriately delegated by the supervisor in accordance with the standards and ethics
1538 of the practice of naturopathic medicine; and

1539 (8) an individual who has completed all requirements for licensure under this chapter
1540 except the clinical experience required under Section 58-71-302, for a period of one year while
1541 that individual is completing that clinical experience requirement and who is working under the
1542 provisions of a temporary license issued by the division.

1543 Section 27. Section **63A-17-808** is amended to read:

1544 **63A-17-808. On-site child care for state employees.**

1545 (1) As used in this section:

1546 (a) "Child care" means the same as that term is defined in Section 35A-3-201.

1547 (b) "Licensed child care provider" means a person who holds a license from the
1548 Department of Health and Human Services to provide center based child care in accordance
1549 with [~~Title 26, Chapter 39, Utah Child Care Licensing Act~~] Title 26B, Chapter 2, Part 4, Child
1550 Care Licensing.

1551 (c) "On-site child care center" means a child care center established in a facility that is
1552 owned or operated by an agency.

1553 (2) An agency may enter into a contract with a licensed child care provider to operate
1554 an on-site child care center for the benefit of the agency's employees.

1555 (3) A licensed child care provider that operates an on-site child care center for an
1556 agency shall maintain professional liability insurance.

1557 (4) (a) An agency may charge a licensed child care provider a reasonable fee for
1558 operating an on-site child care center so that the agency incurs no expense.

1559 (b) The fee in Subsection (4)(a) shall include costs for utility, building maintenance,
1560 and administrative services supplied by the agency that are related to the operation of the
1561 on-site child care center.

1562 (5) An agency may consult with the Office of Child Care within the Department of
1563 Workforce Services, the Department of Health and Human Services, and the Division of
1564 Facilities Construction and Management for assistance in establishing an on-site child care
1565 center.

1566 (6) The state is not liable for any civil damages for acts or omissions resulting from the
1567 operation of an on-site child care center.

1568 Section 28. Section **63G-2-107** is amended to read:

1569 **63G-2-107. Disclosure of records subject to federal law or other provisions of**
1570 **state law.**

1571 (1) (a) The disclosure of a record to which access is governed or limited pursuant to
1572 court rule, another state statute, federal statute, or federal regulation, including a record for
1573 which access is governed or limited as a condition of participation in a state or federal program
1574 or for receiving state or federal funds, is governed by the specific provisions of that statute,
1575 rule, or regulation.

1576 (b) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), this chapter applies
1577 to records described in Subsection (1)(a) to the extent that this chapter is not inconsistent with

1578 the statute, rule, or regulation.

1579 (2) Except as provided in Subsection ~~[(3)]~~ (4), this chapter does not apply to a record
1580 containing protected health information as defined in 45 C.F.R., Part 164, Standards for
1581 Privacy of Individually Identifiable Health Information, if the record is:

1582 (a) controlled or maintained by a governmental entity; and

1583 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
1584 Identifiable Health Information.

1585 ~~[(c)]~~ (3) The disclosure of an education record as defined in the Family Educational
1586 Rights and Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental
1587 entity shall be governed by the Family Educational Rights and Privacy Act, 34 C.F.R.
1588 Part 99.

1589 ~~[(3)]~~ (4) This section does not exempt any record or record series from the provisions
1590 of Subsection 63G-2-601(1).

1591 Section 29. Section 63I-1-219 is amended to read:

1592 **63I-1-219. Repeal dates: Title 19.**

1593 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

1594 (2) Section 19-2a-102 is repealed July 1, 2026.

1595 ~~[(3) Section 19-2a-104 is repealed July 1, 2022.]~~

1596 ~~[(4)]~~ (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

1597 (b) Notwithstanding Subsection ~~[(4)(a)]~~ (3)(a), Section 19-4-115, Drinking water
1598 quality in schools and child care centers, is repealed July 1, 2027.

1599 ~~[(5)]~~ (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

1600 ~~[(6)]~~ (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
1601 2029.

1602 ~~[(7)]~~ (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed
1603 July 1, 2030.

1604 ~~[(8)]~~ (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
1605 2028.

1606 ~~[(9)]~~ (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1,
1607 2026.

1608 ~~[(10)]~~ (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1,

1609 2029.
1610 [~~(11)~~] (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1,
1611 2030.
1612 [~~(12)~~] (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July
1613 1, 2027.
1614 Section 30. Section **63I-1-263** is amended to read:
1615 **63I-1-263. Repeal dates: Titles 63A through 63N.**
1616 (1) Subsection **63A-5b-405(5)**, relating to prioritizing and allocating capital
1617 improvement funding, is repealed July 1, 2024.
1618 [~~(2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,~~
1619 ~~2023.~~]
1620 [~~(3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review~~
1621 ~~Committee, are repealed July 1, 2023.~~]
1622 [~~(4)~~] (2) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
1623 July 1, 2028.
1624 [~~(5)~~] (3) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1625 2025.
1626 [~~(6)~~] (4) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
1627 July 1, 2024.
1628 [~~(7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is~~
1629 ~~repealed July 1, 2023.~~]
1630 [~~(8)~~] (5) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
1631 repealed December 31, 2026.
1632 [~~(9)~~] (6) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1633 repealed July 1, 2026.
1634 [~~(10)~~] (7) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
1635 [~~(11)~~] (8) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
1636 [~~(12)~~] (9) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed
1637 December 31, 2024.
1638 [~~(13)~~] (10) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
1639 repealed on July 1, 2028.

- 1640 [~~(14)~~] (11) Section [63G-6a-805](#), which creates the Purchasing from Persons with
1641 Disabilities Advisory Board, is repealed July 1, 2026.
- 1642 [~~(15)~~] (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
1643 July 1, 2028.
- 1644 [~~(16)~~] (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
1645 July 1, 2024.
- 1646 [~~(17)~~] (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
1647 2026.
- 1648 [~~(18)~~] (15) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety
1649 Commission, is repealed January 1, 2025.
- 1650 [~~(19)~~] (16) Section [63L-11-204](#), creating a canyon resource management plan to Provo
1651 Canyon, is repealed July 1, 2025.
- 1652 [~~(20)~~] (17) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
1653 Committee, is repealed July 1, 2027.
- 1654 [~~(21)~~] (18) In relation to the Utah Substance Use and Mental Health Advisory Council,
1655 on January 1, 2033:
- 1656 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
1657 repealed;
- 1658 (b) Section [63M-7-305](#), the language that states "council" is replaced with
1659 "commission";
- 1660 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:
1661 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
1662 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
1663 "(2) The commission shall:
- 1664 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1665 Drug-Related Offenses Reform Act; and
- 1666 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
1667 Subsections [77-18-103](#)(2)(c) and (d).".
- 1668 [~~(22)~~] (19) The Crime Victim Reparations and Assistance Board, created in Section
1669 [63M-7-504](#), is repealed July 1, 2027.
- 1670 [~~(23)~~] (20) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed

- 1671 July 1, 2026.
- 1672 [~~(24)~~] (21) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
- 1673 2026.
- 1674 [~~(25)~~] (22) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
- 1675 repealed January 1, 2025.
- 1676 [~~(26)~~] (23) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1677 [~~(27)~~] (24) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
- 1678 July 1, 2028.
- 1679 [~~(28)~~] (25) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
- 1680 repealed July 1, 2027.
- 1681 [~~(29)~~] (26) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
- 1682 Program, is repealed July 1, 2025.
- 1683 [~~(30)~~] (27) In relation to the Rural Employment Expansion Program, on July 1, 2028:
- 1684 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
- 1685 and
- 1686 (b) Subsection [63N-4-805\(5\)\(b\)](#), referring to the Rural Employment Expansion
- 1687 Program, is repealed.
- 1688 [~~(31)~~] (28) In relation to the Board of Tourism Development, on July 1, 2025:
- 1689 (a) Subsection [63N-2-511\(1\)\(b\)](#), which defines "tourism board," is repealed;
- 1690 (b) Subsections [63N-2-511\(3\)\(a\)](#) and (5), the language that states "tourism board" is
- 1691 repealed and replaced with "Utah Office of Tourism";
- 1692 (c) Subsection [63N-7-101\(1\)](#), which defines "board," is repealed;
- 1693 (d) Subsection [63N-7-102\(3\)\(c\)](#), which requires the Utah Office of Tourism to receive
- 1694 approval from the Board of Tourism Development, is repealed; and
- 1695 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
- 1696 [~~(32)~~] (29) Subsection [63N-8-103\(3\)\(c\)](#), which allows the Governor's Office of
- 1697 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
- 1698 is repealed on July 1, 2024.
- 1699 Section 31. Section **63I-2-272** is amended to read:
- 1700 **63I-2-272. Repeal dates: Title 72.**
- 1701 (1) Subsections [72-1-213.1\(13\)\(a\)](#) and (b), related to the road usage charge rate and

1702 road usage charge cap, are repealed January 1, 2033.

1703 [~~(2) Section 72-1-216.1 is repealed January 1, 2023.~~]

1704 [~~(3)~~] (2) Section 72-2-127 is repealed on July 1, 2024.

1705 [~~(4)~~] (3) Section 72-2-130 is repealed on July 1, 2024.

1706 [~~(5) Section 72-4-105.1 is repealed on January 1, 2024.~~]

1707 Section 32. Section 71A-8-103 (Superseded 07/01/24) is amended to read:

1708 **71A-8-103 (Superseded 07/01/24). Employees in military service -- Extension of**
1709 **licenses for members of National Guard and reservists ordered to active duty.**

1710 (1) As used in this section, "license" means: [~~any license issued under:~~]

1711 (a) any license issued under Title 58, Occupations and Professions; and

1712 (b) [~~Section 26B-4-116~~] a license for emergency medical personnel.

1713 (2) Any license held by a member of the National Guard or reserve component of the
1714 armed forces that expires while the member is on state or federal active duty shall be extended
1715 until 90 days after the member is discharged from active duty status.

1716 (3) The licensing agency shall renew a license extended under Subsection (2) until the
1717 next date that the license expires or for the period that the license is normally issued, at no cost
1718 to the member of the National Guard or reserve component of the armed forces if all of the
1719 following conditions are met:

1720 (a) the National Guard member or reservist requests renewal of the license within 90
1721 days after being discharged;

1722 (b) the National Guard member or reservist provides the licensing agency with a copy
1723 of the member's or reservist's official orders calling the member or reservist to active duty, and
1724 official orders discharging the member or reservist from active duty; and

1725 (c) the National Guard member or reservist meets all the requirements necessary for the
1726 renewal of the license, except the member or reservist need not meet the requirements, if any,
1727 that relate to continuing education or training.

1728 (4) The provisions of this section do not apply to:

1729 (a) regularly scheduled annual training;

1730 (b) in-state active National Guard and reserve orders; or

1731 (c) orders that do not require the service member to relocate outside of this state.

1732 Section 33. Section 73-2-1 is amended to read:

1733 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

1734 (1) There shall be a state engineer.

1735 (2) The state engineer shall:

1736 (a) be appointed by the governor with the advice and consent of the Senate;

1737 (b) hold office for the term of four years and until a successor is appointed; and

1738 (c) have five years experience as a practical engineer or the theoretical knowledge,
1739 practical experience, and skill necessary for the position.

1740 (3) (a) The state engineer shall be responsible for the general administrative
1741 supervision of the waters of the state and the measurement, appropriation, apportionment, and
1742 distribution of those waters.

1743 (b) The state engineer may secure the equitable apportionment and distribution of the
1744 water according to the respective rights of appropriators.

1745 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
1746 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1747 regarding:

1748 (a) reports of water right conveyances;

1749 (b) the construction of water wells and the licensing of water well drillers;

1750 (c) dam construction and safety;

1751 (d) the alteration of natural streams;

1752 (e) geothermal resource conservation;

1753 (f) enforcement orders and the imposition of fines and penalties;

1754 (g) the duty of water; and

1755 (h) standards for written plans of a public water supplier that may be presented as
1756 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).

1757 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
1758 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1759 governing:

1760 (a) water distribution systems and water commissioners;

1761 (b) water measurement and reporting;

1762 (c) groundwater recharge and recovery;

1763 (d) wastewater reuse;

- 1764 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
1765 surface or underground water that is not represented by a certificate of appropriation;
- 1766 (f) the form and content of a proof submitted to the state engineer under Section
1767 73-3-16;
- 1768 (g) the determination of water rights; or
1769 [~~(h) preferences of water rights under Section 73-3-21.5; or~~]
1770 [(~~†~~) (h)] the form and content of applications and related documents, maps, and reports.
- 1771 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 1772 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
1773 water without first seeking redress through the administrative process;
- 1774 (b) prevent theft, waste, loss, or pollution of surface and underground waters;
- 1775 (c) enable the state engineer to carry out the duties of the state engineer's office; and
- 1776 (d) enforce administrative orders and collect fines and penalties.
- 1777 (7) The state engineer may:
- 1778 (a) upon request from the board of trustees of an irrigation district under Title 17B,
1779 Chapter 2a, Part 5, Irrigation District Act, or another special district under Title 17B, Limited
1780 Purpose Local Government Entities - Special Districts, or a special service district under Title
1781 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a
1782 water survey to be made of the lands proposed to be annexed to the district in order to
1783 determine and allot the maximum amount of water that could be beneficially used on the land,
1784 with a separate survey and allotment being made for each 40-acre or smaller tract in separate
1785 ownership; and
- 1786 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
1787 district board a return of the survey and report of the allotment.
- 1788 (8) (a) The state engineer may establish water distribution systems and define the water
1789 distribution systems' boundaries.
- 1790 (b) The water distribution systems shall be formed in a manner that:
- 1791 (i) secures the best protection to the water claimants; and
- 1792 (ii) is the most economical for the state to supervise.
- 1793 (9) The state engineer may conduct studies of current and novel uses of water in the
1794 state.

1795 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the
1796 depth of a water production well exempt the water production well from regulation under this
1797 title or rules made under this title related to the:

1798 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,
1799 testing, disinfecting, or abandonment of a water production well; or

1800 (b) installation or repair of a pump for a water production well.

1801 Section 34. Section **76-3-203.3** is amended to read:

1802 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

1803 As used in this section:

1804 (1) "Primary offense" means those offenses provided in Subsection (4).

1805 (2) (a) A person who commits any primary offense with the intent to intimidate or
1806 terrorize another person or with reason to believe that his action would intimidate or terrorize
1807 that person is subject to Subsection (2)(b).

1808 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

1809 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

1810 (3) "Intimidate or terrorize" means an act which causes the person to fear for his
1811 physical safety or damages the property of that person or another. The act must be
1812 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to
1813 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the
1814 Constitution or laws of the United States.

1815 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

1816 (a) assault and related offenses under Sections [76-5-102](#), [76-5-102.4](#), [76-5-106](#),
1817 [76-5-107](#), and [76-5-108](#);

1818 (b) any misdemeanor property destruction offense under Sections [76-6-102](#) and
1819 [76-6-104](#), and Subsection [76-6-106\(2\)\(a\)](#);

1820 (c) any criminal trespass offense under Sections [76-6-204](#) and [76-6-206](#);

1821 (d) any misdemeanor theft offense under ~~[Section] [76-6-412]~~ Chapter 6, Offenses
1822 Against Property;

1823 (e) any offense of obstructing government operations under Sections [76-8-301](#),
1824 [76-8-302](#), [76-8-305](#), [76-8-306](#), [76-8-307](#), [76-8-308](#), and [76-8-313](#);

1825 (f) any offense of interfering or intending to interfere with activities of colleges and

1826 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

1827 (g) any misdemeanor offense against public order and decency as defined in Title 76,
1828 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

1829 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
1830 Communication and Telephone Abuse;

1831 (i) any cruelty to animals offense under Section [76-9-301](#);

1832 (j) any weapons offense under Section [76-10-506](#); or

1833 (k) a violation of Section [76-9-102](#), if the violation occurs at an official meeting.

1834 (5) This section does not affect or limit any individual's constitutional right to the
1835 lawful expression of free speech or other recognized rights secured by the Constitution or laws
1836 of the state or by the Constitution or laws of the United States.

1837 Section 35. Section **76-3-402** is amended to read:

1838 **76-3-402. Conviction of lower degree of offense -- Procedure and limitations.**

1839 (1) As used in this section:

1840 (a) "Lower degree of offense" includes an offense for which:

1841 (i) a statutory enhancement is charged in the information or indictment that would
1842 increase either the maximum or the minimum sentence; and

1843 (ii) the court removes the statutory enhancement in accordance with this section.

1844 (b) "Minor regulatory offense" means the same as that term is defined in Section
1845 [77-40a-101](#).

1846 (c) (i) "Rehabilitation program" means a program designed to reduce criminogenic and
1847 recidivism risks.

1848 (ii) "Rehabilitation program" includes:

1849 (A) a domestic violence treatment program, as that term is defined in Section

1850 ~~[62A-2-101](#)~~ [26B-2-101](#);

1851 (B) a residential, vocational, and life skills program, as that term is defined in Section
1852 [13-53-102](#);

1853 (C) a substance abuse treatment program, as that term is defined in Section

1854 ~~[62A-2-101](#)~~ [26B-2-101](#);

1855 (D) a substance use disorder treatment program, as that term is defined in Section

1856 ~~[62A-2-101](#)~~ [26B-2-101](#);

- 1857 (E) a youth program, as that term is defined in Section [~~62A-2-101~~] [26B-2-101](#);
- 1858 (F) a program that meets the standards established by the Department of Corrections
1859 under Section [64-13-25](#);
- 1860 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
1861 Council; or
- 1862 (H) a program that is substantially similar to a program described in Subsections
1863 (1)(c)(ii)(A) through (G).
- 1864 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
1865 regulatory offense or a traffic offense.
- 1866 (e) "Traffic offense" means the same as that term is defined in Section [77-40a-101](#).
- 1867 (f) (i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
1868 that term is defined in Section [76-3-203.5](#).
- 1869 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
1870 conspiracy to commit an offense, for:
- 1871 (A) the possession, use, or removal of explosive, chemical, or incendiary devices under
1872 Subsection [76-10-306](#)(3), (5), or (6); or
- 1873 (B) the purchase or possession of a dangerous weapon or handgun by a restricted
1874 person under Section [76-10-503](#).
- 1875 (2) The court may enter a judgment of conviction for a lower degree of offense than
1876 established by statute and impose a sentence at the time of sentencing for the lower degree of
1877 offense if the court:
- 1878 (a) takes into account:
- 1879 (i) the nature and circumstances of the offense of which the defendant was found
1880 guilty; and
- 1881 (ii) the history and character of the defendant;
- 1882 (b) gives any victim present at the sentencing and the prosecuting attorney an
1883 opportunity to be heard; and
- 1884 (c) concludes that the degree of offense established by statute would be unduly harsh to
1885 record as a conviction on the record for the defendant.
- 1886 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1887 a judgment of conviction for a lower degree of offense than established by statute:

1888 (a) after the defendant is successfully discharged from probation or parole for the
1889 conviction; and

1890 (b) if the court finds that entering a judgment of conviction for a lower degree of
1891 offense is in the interest of justice in accordance with Subsection (7).

1892 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1893 a judgment of conviction for a lower degree of offense than established by statute if:

1894 (a) the defendant's probation or parole for the conviction did not result in a successful
1895 discharge but the defendant is successfully discharged from probation or parole for a
1896 subsequent conviction of an offense;

1897 (b) (i) at least five years have passed after the day on which the defendant is sentenced
1898 for the subsequent conviction; or

1899 (ii) at least three years have passed after the day on which the defendant is sentenced
1900 for the subsequent conviction and the prosecuting attorney consents to the reduction;

1901 (c) the defendant is not convicted of a serious offense during the time period described
1902 in Subsection (4)(b);

1903 (d) there are no criminal proceedings pending against the defendant;

1904 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
1905 offense;

1906 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
1907 attorney consents to the reduction; and

1908 (g) the court finds that entering a judgment of conviction for a lower degree of offense
1909 is in the interest of justice in accordance with Subsection (7).

1910 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1911 a judgment of conviction for a lower degree of offense than established by statute if:

1912 (a) the defendant's probation or parole for the conviction did not result in a successful
1913 discharge but the defendant is successfully discharged from a rehabilitation program;

1914 (b) at least three years have passed after the day on which the defendant is successfully
1915 discharged from the rehabilitation program;

1916 (c) the defendant is not convicted of a serious offense during the time period described
1917 in Subsection (5)(b);

1918 (d) there are no criminal proceedings pending against the defendant;

1919 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
1920 offense;

1921 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
1922 attorney consents to the reduction; and

1923 (g) the court finds that entering a judgment of conviction for a lower degree of offense
1924 is in the interest of justice in accordance with Subsection (7).

1925 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1926 a judgment of conviction for a lower degree of offense than established by statute if:

1927 (a) at least five years have passed after the day on which the defendant's probation or
1928 parole for the conviction did not result in a successful discharge;

1929 (b) the defendant is not convicted of a serious offense during the time period described
1930 in Subsection (6)(a);

1931 (c) there are no criminal proceedings pending against the defendant;

1932 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
1933 offense;

1934 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
1935 attorney consents to the reduction; and

1936 (f) the court finds that entering a judgment of conviction for a lower degree of offense
1937 is in the interest of justice in accordance with Subsection (7).

1938 (7) In determining whether entering a judgment of a conviction for a lower degree of
1939 offense is in the interest of justice under Subsection (3), (4), (5), or (6):

1940 (a) the court shall consider:

1941 (i) the nature, circumstances, and severity of the offense for which a reduction is
1942 sought;

1943 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
1944 offense for which the reduction is sought; and

1945 (iii) any input from a victim of the offense; and

1946 (b) the court may consider:

1947 (i) any special characteristics or circumstances of the defendant, including the
1948 defendant's criminogenic risks and needs;

1949 (ii) the defendant's criminal history;

1950 (iii) the defendant's employment and community service history;

1951 (iv) whether the defendant participated in a rehabilitative program and successfully

1952 completed the program;

1953 (v) any effect that a reduction would have on the defendant's ability to obtain or

1954 reapply for a professional license from the Department of Commerce;

1955 (vi) whether the level of the offense has been reduced by law after the defendant's

1956 conviction;

1957 (vii) any potential impact that the reduction would have on public safety; or

1958 (viii) any other circumstances that are reasonably related to the defendant or the

1959 offense for which the reduction is sought.

1960 (8) (a) A court may only enter a judgment of conviction for a lower degree of offense

1961 under Subsection (3), (4), (5), or (6) after:

1962 (i) notice is provided to the other party;

1963 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice to

1964 any victims; and

1965 (iii) a hearing is held if a hearing is requested by either party.

1966 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a

1967 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6).

1968 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the

1969 motion, the moving party has the burden to provide evidence sufficient to demonstrate that the

1970 requirements under Subsection (3), (4), (5), or (6) are met.

1971 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower

1972 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the defendant is

1973 committed to jail as a condition of probation or is sentenced to prison.

1974 (10) (a) An offense may be reduced only one degree under this section, unless the

1975 prosecuting attorney specifically agrees in writing or on the court record that the offense may

1976 be reduced two degrees.

1977 (b) An offense may not be reduced under this section by more than two degrees.

1978 (11) This section does not preclude an individual from obtaining or being granted an

1979 expungement of the individual's record in accordance with Title 77, Chapter 40a,

1980 Expungement.

1981 (12) The court may not enter a judgment for a conviction for a lower degree of offense
1982 under this section if:

1983 (a) the reduction is specifically precluded by law; or

1984 (b) any unpaid balance remains on court-ordered restitution for the offense for which
1985 the reduction is sought.

1986 (13) When the court enters a judgment for a lower degree of offense under this section,
1987 the actual title of the offense for which the reduction is made may not be altered.

1988 (14) (a) An individual may not obtain a reduction under this section of a conviction
1989 that requires the individual to register as a sex offender until the registration requirements
1990 under Title 77, Chapter 41, Sex and Kidnap Offender Registry, have expired.

1991 (b) An individual required to register as a sex offender for the individual's lifetime
1992 under Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the
1993 offense or offenses that require the individual to register as a sex offender.

1994 (15) (a) An individual may not obtain a reduction under this section of a conviction
1995 that requires the individual to register as a child abuse offender until the registration
1996 requirements under Title 77, Chapter 43, Child Abuse Offender Registry, have expired.

1997 (b) An individual required to register as a child abuse offender for the individual's
1998 lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the conviction for
1999 the offense or offenses that require the individual to register as a child abuse offender.

2000 Section 36. Section 76-5-207 is amended to read:

2001 **76-5-207. Negligently operating a vehicle resulting in death -- Penalties --**
2002 **Evidence.**

2003 (1) (a) As used in this section:

2004 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

2005 (ii) "Criminally negligent" means the same as that term is described in Subsection
2006 76-2-103(4).

2007 (iii) "Drug" means:

2008 (A) a controlled substance;

2009 (B) a drug as defined in Section 58-37-2; or

2010 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human
2011 body, can impair the ability of an individual to safely operate a vehicle.

2012 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
2013 degree of care that reasonable and prudent persons exercise under like or similar circumstances.

2014 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

2015 (b) Terms defined in Section 76-1-101.5 apply to this section.

2016 (2) An actor commits negligently operating a vehicle resulting in death if the actor:

2017 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the
2018 death of another individual; and

2019 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical test
2020 shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the
2021 time of the test;

2022 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol
2023 and any drug to a degree that renders the actor incapable of safely operating a vehicle; or

2024 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of
2025 operation; or

2026 (b) (i) operates a vehicle in a criminally negligent manner causing death to another; and

2027 (ii) has in the actor's body any measurable amount of a controlled substance.

2028 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty
2029 of:

2030 (a) a second degree felony; and

2031 (b) a separate offense for each victim suffering death as a result of the actor's violation
2032 of this section, regardless of whether the deaths arise from the same episode of driving.

2033 (4) An actor is not guilty of a violation of negligently operating a vehicle resulting in
2034 death under Subsection (2)(b) if:

2035 (a) the controlled substance was obtained under a valid prescription or order, directly
2036 from a practitioner while acting in the course of the practitioner's professional practice, or as
2037 otherwise authorized by Title 58, Occupations and Professions;

2038 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

2039 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
2040 58-37-4.2 if:

2041 (i) the actor is the subject of medical research conducted by a holder of a valid license
2042 to possess controlled substances under Section 58-37-6; and

- 2043 (ii) the substance was administered to the actor by the medical researcher.
- 2044 (5) (a) A judge imposing a sentence under this section may consider:
- 2045 (i) the sentencing guidelines developed in accordance with Section [63M-7-404](#);
- 2046 (ii) the defendant's history;
- 2047 (iii) the facts of the case;
- 2048 (iv) aggravating and mitigating factors; or
- 2049 (v) any other relevant fact.
- 2050 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 2051 based on the defendant's history under Section [41-6a-505](#).
- 2052 (c) The standards for chemical breath analysis as provided by Section [41-6a-515](#) and
- 2053 the provisions for the admissibility of chemical test results as provided by Section [41-6a-516](#)
- 2054 apply to determination and proof of blood alcohol content under this section.
- 2055 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 2056 made in accordance with Subsection [41-6a-502\(3\)](#).
- 2057 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 2058 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 2059 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 2060 admissible except when prohibited by the Utah Rules of Evidence, the United States
- 2061 Constitution, or the Utah Constitution.
- 2062 (g) In accordance with Subsection [77-2a-3\(8\)](#), a guilty or no contest plea to an offense
- 2063 described in this section may not be held in abeyance.
- 2064 Section 37. Section **78B-14-102** is amended to read:
- 2065 **78B-14-102. Definitions.**
- 2066 As used in this chapter:
- 2067 (1) "Child" means an individual, whether over or under the age of majority, who is or
- 2068 is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be
- 2069 the beneficiary of a support order directed to the parent.
- 2070 (2) "Child support order" means a support order for a child, including a child who has
- 2071 attained the age of majority under the law of the issuing state or foreign country.
- 2072 (3) "Convention" means the convention on the International Recovery of Child Support
- 2073 and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

2074 (4) "Duty of support" means an obligation imposed or imposable by law to provide
2075 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
2076 support.

2077 (5) "Foreign country" means a country, including a political subdivision thereof, other
2078 than the United States, that authorizes the issuance of support orders and:

2079 (a) which has been declared under the law of the United States to be a foreign
2080 reciprocating country;

2081 (b) which has established a reciprocal arrangement for child support with this state as
2082 provided in Section [78B-14-308](#);

2083 (c) which has enacted a law or established procedures for the issuance and enforcement
2084 of support orders which are substantially similar to the procedures under this chapter; or

2085 (d) in which the convention is in force with respect to the United States.

2086 (6) "Foreign support order" means a support order of a foreign tribunal.

2087 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of
2088 a foreign country which is authorized to establish, enforce, or modify support orders or to
2089 determine parentage of a child. The term includes a competent authority under the convention.

2090 (8) "Home state" means the state or foreign country in which a child lived with a parent
2091 or a person acting as parent for at least six consecutive months immediately preceding the time
2092 of filing of a petition or comparable pleading for support and, if a child is less than six months
2093 old, the state or foreign country in which the child lived from birth with any of them. A period
2094 of temporary absence of any of them is counted as part of the six-month or other period.

2095 (9) "Income" includes earnings or other periodic entitlements to money from any
2096 source and any other property subject to withholding for support under the law of this state.

2097 (10) "Income-withholding order" means an order or other legal process directed to an
2098 obligor's employer or other source of income as defined in Section [~~62A-11-103~~] [26B-9-101](#), to
2099 withhold support from the income of the obligor.

2100 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
2101 petition or comparable pleading is forwarded or in which a petition or comparable pleading is
2102 filed for forwarding to another state or foreign country.

2103 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
2104 support order or a judgment determining parentage of a child.

2105 (13) "Issuing state" means the state in which a tribunal issues a support order or a
2106 judgment determining parentage of a child.

2107 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
2108 support order or a judgment determining parentage of a child.

2109 (15) "Law" includes decisional and statutory law and rules and regulations having the
2110 force of law.

2111 (16) "Obligee" means:

2112 (a) an individual to whom a duty of support is or is alleged to be owed or in whose
2113 favor a support order or a judgment determining parentage of a child has been issued;

2114 (b) a foreign country, state, or political subdivision of a state to which the rights under
2115 a duty of support or support order have been assigned or which has independent claims based
2116 on financial assistance provided to an individual obligee in place of child support;

2117 (c) an individual seeking a judgment determining parentage of the individual's child; or

2118 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
2119 Convention.

2120 (17) "Obligor" means an individual who, or the estate of a decedent that:

2121 (a) owes or is alleged to owe a duty of support;

2122 (b) is alleged but has not been adjudicated to be a parent of a child;

2123 (c) is liable under a support order; or

2124 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.

2125 (18) "Outside this state" means a location in another state or a country other than the
2126 United States, whether or not the country is a foreign country.

2127 (19) "Person" means an individual, corporation, business trust, estate, trust,
2128 partnership, limited liability company, association, joint venture, government, governmental
2129 subdivision, agency, or instrumentality, public corporation, or any other legal or commercial
2130 entity.

2131 (20) "Record" means information that is inscribed on a tangible medium or that is
2132 stored in an electronic or other medium and is retrievable in perceivable form.

2133 (21) "Register" means to file in a tribunal of this state a support order or judgment
2134 determining parentage of a child issued in another state or a foreign country.

2135 (22) "Registering tribunal" means a tribunal in which a support order or judgment

2136 determining parentage of a child is registered.

2137 (23) "Responding state" means a state in which a petition or comparable pleading for
2138 support or to determine parentage of a child is filed or to which a petition or comparable
2139 pleading is forwarded for filing from another state or a foreign country.

2140 (24) "Responding tribunal" means the authorized tribunal in a responding state or
2141 foreign country.

2142 (25) "Spousal support order" means a support order for a spouse or former spouse of
2143 the obligor.

2144 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
2145 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
2146 of the United States. The term includes an Indian nation or tribe.

2147 (27) "Support enforcement agency" means a public official, governmental entity, or
2148 private agency authorized to:

2149 (a) seek enforcement of support orders or laws relating to the duty of support;

2150 (b) seek establishment or modification of child support;

2151 (c) request determination of parentage of a child;

2152 (d) attempt to locate obligors or their assets; or

2153 (e) request determination of the controlling child support order.

2154 (28) "Support order" means a judgment, decree, order, decision, or directive, whether
2155 temporary, final, or subject to modification, issued in a state or foreign country for the benefit
2156 of a child, a spouse, or a former spouse, which provides for monetary support, health care,
2157 arrearages, retroactive support, or reimbursement for financial assistance provided to an
2158 individual obligee in place of child support. The term may include related costs and fees,
2159 interest, income withholding, automatic adjustment, reasonable attorney fees, and other relief.

2160 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity
2161 authorized to establish, enforce, or modify support orders or to determine parentage of a child.

2162 Section 38. Section **78B-25-114** is amended to read:

2163 **78B-25-114. Savings clause.**

2164 This chapter does not affect a cause of action asserted before May 3, 2023, in a civil
2165 action or a motion under [~~Chapter 6, Part 14, Citizen Participation in Government Act~~] Laws of
2166 Utah 2008, Chapter 3, Sections 1087 and 1088, regarding the cause of action.

2167 Section 39. **Repealer.**
2168 This bill repeals:
2169 Section **11-26-101, Title.**
2170 Section **63A-18-101, Title.**
2171 Section 40. **Effective date.**
2172 This bill takes effect on May 1, 2024.