

Senator Evan J. Vickers proposes the following substitute bill:

REVISOR'S TECHNICAL CORRECTIONS TO UTAH CODE

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Jefferson Moss

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 - eliminating or correcting references involving repealed provisions;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



26 **17-27a-403**, as last amended by Laws of Utah 2023, Chapters 88, 238
27 **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31 **26B-4-123 (Superseded 07/01/24)**, as renumbered and amended by Laws of Utah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 **41-1a-419**, as last amended by Laws of Utah 2023, Chapter 33
41 **49-20-415**, as enacted by Laws of Utah 2017, Chapter 53
42 **52-4-204**, as last amended by Laws of Utah 2022, Chapters 169, 422
43 **52-4-207**, as last amended by Laws of Utah 2023, Chapter 100
44 **53-2a-206**, as last amended by Laws of Utah 2021, Chapter 437
45 **53G-5-405**, as last amended by Laws of Utah 2023, Chapter 343
46 **53G-6-603**, as last amended by Laws of Utah 2022, Chapter 329
47 **58-37-7**, as last amended by Laws of Utah 2023, Chapters 285, 329
48 **58-37-19**, as last amended by Laws of Utah 2023, Chapters 285, 329
49 **58-67-305**, as last amended by Laws of Utah 2022, Chapter 233
50 **58-68-305**, as last amended by Laws of Utah 2022, Chapter 233
51 **58-71-305**, as last amended by Laws of Utah 2018, Chapter 35
52 **63A-17-808**, as enacted by Laws of Utah 2023, Chapter 279
53 **63G-2-107**, as last amended by Laws of Utah 2023, Chapter 173
54 **63I-1-219**, as last amended by Laws of Utah 2022, Chapter 194
55 **63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155,
56 212, 218, 249, 270, 448, 489, and 534

- 57 [63I-2-272](#), as last amended by Laws of Utah 2023, Chapter 33
- 58 [71A-8-103 \(Superseded 07/01/24\)](#), as last amended by Laws of Utah 2023, Chapter
- 59 328 and renumbered and amended by Laws of Utah 2023, Chapter 44
- 60 [73-2-1](#), as last amended by Laws of Utah 2023, Chapter 16
- 61 [76-3-203.3](#), as last amended by Laws of Utah 2023, Chapter 111
- 62 [76-3-402](#), as last amended by Laws of Utah 2023, Chapter 132
- 63 [76-5-207](#), as last amended by Laws of Utah 2023, Chapter 415
- 64 [78B-14-102](#), as last amended by Laws of Utah 2015, Chapter 45
- 65 [78B-25-114](#), as enacted by Laws of Utah 2023, Chapter 488

66 REPEALS:

- 67 [11-26-101](#), as enacted by Laws of Utah 2018, Chapter 283
- 68 [63A-18-101](#), as enacted by Laws of Utah 2021, Chapter 84



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

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

72 **13-61-102. Applicability.**

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

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

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

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

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

81 (ii) derives over 50% of the entity's gross revenue from the sale of personal data and

82 controls or processes personal data of 25,000 or more consumers.

83 (2) This chapter does not apply to:

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

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

- 119 (i) information used only for public health activities and purposes as described in 45
120 C.F.R. Sec. 164.512;
- 121 (j) (i) an activity by:
- 122 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;
- 123 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who provides
124 information for use in a consumer report, as defined in 15 U.S.C. Sec. 1681a; or
- 125 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;
- 126 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
127 1681 et seq.; and
- 128 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
129 any personal data bearing on a consumer's:
- 130 (A) credit worthiness;
- 131 (B) credit standing;
- 132 (C) credit capacity;
- 133 (D) character;
- 134 (E) general reputation;
- 135 (F) personal characteristics; or
- 136 (G) mode of living;
- 137 (k) a financial institution or an affiliate of a financial institution governed by, or
138 personal data collected, processed, sold, or disclosed in accordance with, Title V of the
139 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 140 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
141 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 142 (m) personal data regulated by the federal Family Education Rights and Privacy Act,
143 20 U.S.C. Sec. 1232g, and related regulations;
- 144 (n) personal data collected, processed, sold, or disclosed in accordance with the federal
145 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 146 (o) data that are processed or maintained:
- 147 (i) in the course of an individual applying to, being employed by, or acting as an agent
148 or independent contractor of a controller, processor, or third party, to the extent the collection
149 and use of the data are related to the individual's role;

150 (ii) as the emergency contact information of an individual described in Subsection
151 (2)(o)(i) and used for emergency contact purposes; or

152 (iii) to administer benefits for another individual relating to an individual described in
153 Subsection (2)(o)(i) and used for the purpose of administering the benefits;

154 (p) an individual's processing of personal data for purely personal or household
155 purposes; or

156 (q) an air carrier.

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

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

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

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

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

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

173 (i) the structure:

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

176 (B) does not meet the requirements described in Utah Code, Subsection

177 [65A-8-203](#)(4)(a) and Utah Administrative Code, R652-122-1300, Minimum Standards for
178 County Wildland Fire Ordinance;

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

181 Design;

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

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

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

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

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

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

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

195 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
196 follows: "Where access to or within a structure or an area is restricted because of secured
197 openings or where immediate access is necessary for life-saving or fire-fighting purposes, the
198 fire code official, after consultation with the building owner, may require a key box to be
199 installed in an approved location. The key box shall contain keys to gain necessary access as
200 required by the fire code official. For each fire jurisdiction that has at least one building with a
201 required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating
202 rule or policy that creates a process to ensure that each key to each key box is properly
203 accounted for and secure."

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

208 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as
209 follows:

210 "507.1.2 Pre-existing subdivision lots.

211 The requirements for a pre-existing subdivision lot shall not exceed the requirements

212 described in Section 501.5."

213 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3.

214 One interior and one detached accessory dwelling unit on a single residential lot."

215 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in

216 new buildings, is amended by adding: "When required by the fire code official," at the

217 beginning of the first paragraph.

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

219 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as

220 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or

221 similar box with corresponding key system that is adjacent to the elevator for immediate use by

222 the fire department. The key box shall contain one key for each elevator, one key for lobby

223 control, and any other keys necessary for emergency service. The elevator key box shall be

224 accessed using a 6049 numbered key."

225 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after

226 the word "Code", add the words "and NFPA 96".

227 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1

228 hood is not required for a cooking appliance in a microenterprise home kitchen, as that term is

229 defined in Utah Code, Section [26B-7-401](#), for which the operator obtains a permit in

230 accordance with [~~Utah Code, Title 26, Chapter 15c, Microenterprise Home Kitchen Act]~~

231 Section [26B-7-416](#)."

232 (3) For IFC, Chapter 7, Fire and Smoke Protection Features, IFC, Chapter 7, Section

233 705.2, is amended to add the following: "Exception: In Group E Occupancies, where the

234 corridor serves an occupant load greater than 30 and the building does not have an automatic

235 fire sprinkler system installed, the door closers may be of the friction hold-open type on

236 classrooms' doors with a rating of 20 minutes or less only."

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

238 **17-27a-403. Plan preparation.**

239 (1) (a) The planning commission shall provide notice, as provided in Section

240 [17-27a-203](#), of the planning commission's intent to make a recommendation to the county

241 legislative body for a general plan or a comprehensive general plan amendment when the

242 planning commission initiates the process of preparing the planning commission's

243 recommendation.

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

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

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

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

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

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

258 (i) a land use element that:

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

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

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

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

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

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

272 (B) addresses the county's plan for residential and commercial development around
273 major transit investment corridors to maintain and improve the connections between housing,

274 employment, education, recreation, and commerce; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 strategies:

306 (A) rezone for densities necessary to facilitate the production of moderate income
307 housing;

308 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
309 facilitates the construction of moderate income housing;

310 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
311 stock into moderate income housing;

312 (D) identify and utilize county general fund subsidies or other sources of revenue to
313 waive construction related fees that are otherwise generally imposed by the county for the
314 construction or rehabilitation of moderate income housing;

315 (E) create or allow for, and reduce regulations related to, internal or detached accessory
316 dwelling units in residential zones;

317 (F) zone or rezone for higher density or moderate income residential development in
318 commercial or mixed-use zones, commercial centers, or employment centers;

319 (G) amend land use regulations to allow for higher density or new moderate income
320 residential development in commercial or mixed-use zones near major transit investment
321 corridors;

322 (H) amend land use regulations to eliminate or reduce parking requirements for
323 residential development where a resident is less likely to rely on the resident's own vehicle,
324 such as residential development near major transit investment corridors or senior living
325 facilities;

326 (I) amend land use regulations to allow for single room occupancy developments;

327 (J) implement zoning incentives for moderate income units in new developments;

328 (K) preserve existing and new moderate income housing and subsidized units by
329 utilizing a landlord incentive program, providing for deed restricted units through a grant
330 program, or establishing a housing loss mitigation fund;

331 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

332 (M) demonstrate creation of, or participation in, a community land trust program for
333 moderate income housing;

334 (N) implement a mortgage assistance program for employees of the county, an
335 employer that provides contracted services for the county, or any other public employer that

336 operates within the county;

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

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

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

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

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

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

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

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

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

364 (c) [(iii)] If a specified county, as defined in Section [17-27a-408](#), has created a small
365 public transit district, as defined in Section [17B-2a-802](#), on or before January 1, 2022, the
366 specified county shall include as part of the specified county's recommended strategies under

367 Subsection (2)(b)(ii) a recommendation to implement the strategy described in Subsection
368 (2)(b)(ii)(Q).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 398 (i) shall consider applicable regional water conservation goals recommended by the
399 Division of Water Resources;
- 400 (ii) shall consult with the Division of Water Resources for information and technical
401 resources regarding regional water conservation goals, including how implementation of the
402 land use element and water use and preservation element may affect the Great Salt Lake;
- 403 (iii) shall notify the community water systems serving drinking water within the
404 unincorporated portion of the county and request feedback from the community water systems
405 about how implementation of the land use element and water use and preservation element may
406 affect:
- 407 (A) water supply planning, including drinking water source and storage capacity
408 consistent with Section 19-4-114; and
- 409 (B) water distribution planning, including master plans, infrastructure asset
410 management programs and plans, infrastructure replacement plans, and impact fee facilities
411 plans;
- 412 (iv) shall consider the potential opportunities and benefits of planning for
413 regionalization of public water systems;
- 414 (v) shall consult with the Department of Agriculture and Food for information and
415 technical resources regarding the potential benefits of agriculture conservation easements and
416 potential implementation of agriculture water optimization projects that would support regional
417 water conservation goals;
- 418 (vi) shall notify an irrigation or canal company located in the county so that the
419 irrigation or canal company can be involved in the protection and integrity of the irrigation or
420 canal company's delivery systems;
- 421 (vii) shall include a recommendation for:
- 422 (A) water conservation policies to be determined by the county; and
- 423 (B) landscaping options within a public street for current and future development that
424 do not require the use of lawn or turf in a parkstrip;
- 425 (viii) shall review the county's land use ordinances and include a recommendation for
426 changes to an ordinance that promotes the inefficient use of water;
- 427 (ix) shall consider principles of sustainable landscaping, including the:
- 428 (A) reduction or limitation of the use of lawn or turf;

429 (B) promotion of site-specific landscape design that decreases stormwater runoff or
430 runoff of water used for irrigation;

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

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

435 (E) reduction of yard waste; and

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

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

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

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

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

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

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

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

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

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

452 (C) multifamily housing project.

453 (3) The proposed general plan may include:

454 (a) an environmental element that addresses:

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

457 (A) air;

458 (B) forests;

459 (C) soils;

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

491 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
492 (3)(a)(i); and

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

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

495 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**
496 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

497 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

520 (c) The initial report shall:

521 (i) identify each moderate income housing strategy selected by the specified county for

522 continued, ongoing, or one-time implementation, using the exact language used to describe the
523 moderate income housing strategy in Subsection 17-27a-403(2)(b)(ii); and

524 (ii) include an implementation plan.

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

529 (b) The subsequent progress report shall include:

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

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

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

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

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

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

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

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

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

552 (i) has already adopted an ordinance, approved a land use application, made an

553 investment, or approved an agreement or financing that substantially promotes the
554 implementation of a moderate income housing strategy identified in the initial report; and

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

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

559 (i) approved by the division; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

598 (B) is in compliance with Subsection [63N-3-603\(8\)](#).

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

601 (i) complies with this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

646 (ii) A specified county that receives a second notice of noncompliance may request an
647 appeal of the division's determination of noncompliance within 10 days after the day on which
648 the second notice of noncompliance is sent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 (B) request an appeal of the division's determination of noncompliance within 10 days

677 after the day on which the notice of noncompliance is sent;

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

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

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

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

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

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

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

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

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

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

706 (c) Upon determining that a specified county is ineligible for funds under this
707 Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division

708 shall send a notice of ineligibility to the legislative body of the specified county, the
709 Department of Transportation, the State Tax Commission, and the Governor's Office of
710 Planning and Budget.

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

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

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

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

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

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

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

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

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

730 **23A-4-704. Bear hunting permit.**

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

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

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

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

739 (3) The division shall use one dollar of a bear permit fee collected from a resident for
740 the hunter education program.

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

742 **26B-4-123 (Superseded 07/01/24). Out-of-state vehicles.**

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

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

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

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

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

756 **32B-6-205.4. Small full-service restaurant licensee -- Exemption.**

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

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

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

768 (3) The department shall:

- 769 (a) grant an approval described in Subsection (1)(c) if the small full-service restaurant

770 licensee demonstrates that the small full-service restaurant licensee meets the requirements
771 described in Subsection 32B-6-202(3); and

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

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

775 **32B-6-305.4. Small limited-service restaurant licensee -- Exemption.**

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

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

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

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

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

786 (3) The department shall:

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

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

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

793 **32B-6-905.3. Small beer-only restaurant licensee -- Exemption.**

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

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

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

800 (c) the small beer-only restaurant licensee applies for and obtains approval from the

801 department to seat minors in the dispensing area in accordance with this section.

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

804 (3) The department shall:

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

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

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

811 **34A-2-424. Prescribing policies for certain opioid prescriptions.**

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

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

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

819 **35A-8-509. Economic Revitalization and Investment Fund.**

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

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

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

825 (b) private contributions;

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

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

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

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

832 (a) include affordable housing units for households whose income is no more than 30%
833 of the area median income for households of the same size in the county or municipality where
834 the project is located; and

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

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

838 (b) The application shall include:

839 (i) the location of the project;

840 (ii) the number, size, and tenant income requirements of affordable housing units
841 described in Subsection (4)(a) that will be included in the project; and

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

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

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

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

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

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

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

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

862 **35A-16-503. Rules.**

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

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

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

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

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

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

874 **35A-16-703. Provisions in effect for duration of code blue alert.**

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

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

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

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

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

894 building code and fire code;

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

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

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

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

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

911 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**

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

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

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

917 (A) the word Utah;

918 (B) the name or identifying slogan of the special group;

919 (C) a symbol decal not exceeding two positions in size representing the special group;

920 and

921 (D) the combination of letters, numbers, or both uniquely identifying the registered
922 vehicle.

923 (ii) The division, in consultation with the Utah State Historical Society, shall design
924 the historical support special group license plate, which shall:

925 (A) have a black background;

926 (B) have white characters; and

927 (C) display the word Utah.

928 (2) (a) The division shall, after consultation with a representative designated by the
929 sponsoring organization as defined in Section 41-1a-1601, specify the word or words
930 comprising the special group name and the symbol decal to be displayed upon the special group
931 license plate.

932 (b) A special group license plate symbol decal may not be redesigned:

933 (i) unless the division receives a redesign fee established by the division under Section
934 63J-1-504; and

935 (ii) more frequently than every five years.

936 (c) A special group license plate symbol decal may not be reordered unless the division
937 receives a symbol decal reorder fee established by the division in accordance with Section
938 63J-1-504.

939 (3) The license plates issued for horseless carriages prior to July 1, 1992, are valid
940 without renewal as long as the vehicle is owned by the registered owner and the license plates
941 may not be recalled by the division.

942 (4) [~~Subject to Subsection 41-1a-411(4)(a), a~~] A person who meets the requirements
943 described in this part or Part 16, Sponsored Special Group License Plates, for a special group
944 license plate may, apply for a personalized special group license plate in accordance with
945 Sections 41-1a-410 and 41-1a-411.

946 (5) Subject to this chapter, the commission shall make rules in accordance with Title
947 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

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

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

951 Section 15. Section 49-20-415 is amended to read:

952 **49-20-415. Prescribing policies for certain opioid prescriptions.**

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

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

956 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**
957 **meeting recorded.**

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

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

960 (ii) the meeting is an open meeting for which notice has been given under Section
961 [52-4-202](#); and

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

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

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

972 (D) for the Political Subdivisions Ethics Review Commission established in Section
973 [63A-15-201](#) that is conducting an open meeting for the purpose of reviewing an ethics
974 complaint in accordance with Section [63A-15-701](#), a majority of the members present vote to
975 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,
976 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the
977 complaint;

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

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

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

986 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is

987 convened for the purpose of conducting business relating to the receipt or review of an ethics
988 complaint, if public notice of the closed meeting is given under Section 52-4-202, with the
989 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting
990 business relating to the receipt or review of ethics complaints";

991 (ii) for the Political Subdivisions Ethics Review Commission established in Section
992 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to
993 the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public
994 notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting
995 stating that the meeting will be closed for the purpose of "conducting business relating to the
996 review of ethics complaints"; or

997 (iii) for the Independent Executive Branch Ethics Commission created in Section
998 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to
999 an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202,
1000 with the agenda for the meeting stating that the meeting will be closed for the purpose of
1001 "conducting business relating to an ethics complaint." [~~or~~]

1002 [~~(iv) for the Data Security Management Council created in Section 63A-16-701, the~~
1003 ~~closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of~~
1004 ~~the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating~~
1005 ~~that the meeting will be closed for the purpose of "conducting business relating to information~~
1006 ~~technology security."~~]

1007 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting
1008 is permitted under Section 52-4-205.

1009 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be
1010 approved at a closed meeting.

1011 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a
1012 motion to end the closed portion of the meeting and return to an open meeting.

1013 (ii) A motion to end the closed portion of a meeting may be approved by a majority of
1014 the public body members present at the meeting.

1015 (4) The following information shall be publicly announced and entered on the minutes
1016 of the open meeting at which the closed meeting was approved:

1017 (a) the reason or reasons for holding the closed meeting;

1018 (b) the location where the closed meeting will be held; and

1019 (c) the vote by name, of each member of the public body, either for or against the
1020 motion to hold the closed meeting.

1021 (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be
1022 construed to require any meeting to be closed to the public.

1023 Section 17. Section 52-4-207 is amended to read:

1024 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

1025 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public
1026 body may convene and conduct an electronic meeting in accordance with this section.

1027 (2) (a) A public body may not hold an electronic meeting unless the public body has
1028 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

1029 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an
1030 electronic meeting shall establish the conditions under which a remote member is included in
1031 calculating a quorum.

1032 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:

1033 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
1034 considerations;

1035 (ii) require a quorum of the public body to:

1036 (A) be present at a single anchor location for the meeting; and

1037 (B) vote to approve establishment of an electronic meeting in order to include other
1038 members of the public body through an electronic connection;

1039 (iii) require a request for an electronic meeting to be made by a member of a public
1040 body up to three days prior to the meeting to allow for arrangements to be made for the
1041 electronic meeting;

1042 (iv) restrict the number of separate connections for members of the public body that are
1043 allowed for an electronic meeting based on available equipment capability;

1044 (v) if the public body is statutorily authorized to allow a member of the public body to
1045 act by proxy, establish the conditions under which a member may vote or take other action by
1046 proxy; or

1047 (vi) establish other procedures, limitations, or conditions governing electronic meetings
1048 not in conflict with this section.

- 1049 (3) A public body that convenes and conducts an electronic meeting shall:
- 1050 (a) give public notice of the electronic meeting in accordance with Section 52-4-202;
- 1051 (b) except for an electronic meeting described in Subsection (5), post written notice of
- 1052 the electronic meeting at the anchor location; and
- 1053 (c) except as otherwise provided in a rule of the Legislature applicable to the public
- 1054 body, at least 24 hours before the electronic meeting is scheduled to begin, provide each
- 1055 member of the public body a description of how to electronically connect to the meeting.
- 1056 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts
- 1057 an electronic meeting shall provide space and facilities at an anchor location for members of
- 1058 the public to attend the open portions of the meeting.
- 1059 (b) A public body that convenes and conducts an electronic meeting may provide
- 1060 means by which members of the public may attend the meeting remotely by electronic means.
- 1061 (5) Subsection (4)(a) does not apply to an electronic meeting if:
- 1062 (a) (i) the chair of the public body determines that:
- 1063 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
- 1064 to the health or safety of those present or who would otherwise be present at the anchor
- 1065 location; or
- 1066 (B) the location where the public body would normally meet has been ordered closed
- 1067 to the public for health or safety reasons; and
- 1068 (ii) the public notice for the meeting includes:
- 1069 (A) a statement describing the chair's determination under Subsection (5)(a)(i);
- 1070 (B) a summary of the facts upon which the chair's determination is based; and
- 1071 (C) information on how a member of the public may attend the meeting remotely by
- 1072 electronic means;
- 1073 (b) (i) during the course of the electronic meeting, the chair:
- 1074 (A) determines that continuing to conduct the electronic meeting as provided in
- 1075 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
- 1076 anchor location; and
- 1077 (B) announces during the electronic meeting the chair's determination under Subsection
- 1078 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and
- 1079 (ii) in convening the electronic meeting, the public body has provided means by which

1080 members of the public who are not physically present at the anchor location may attend the
1081 electronic meeting remotely by electronic means;

1082 (c) (i) the public body is a special district board of trustees established under Title 17B,
1083 Chapter 1, Part 3, Board of Trustees;

1084 (ii) the board of trustees' membership consists of:

1085 (A) at least two members who are elected or appointed to the board as owners of land,
1086 or as an agent or officer of the owners of land, under the criteria described in Subsection
1087 [17B-1-302\(2\)\(b\)](#); or

1088 (B) at least one member who is elected or appointed to the board as an owner of land,
1089 or as an agent or officer of the owner of land, under the criteria described in Subsection
1090 [17B-1-302\(3\)\(a\)\(ii\)](#);

1091 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] [52-4-202\(3\)\(a\)](#)
1092 for the electronic meeting includes information on how a member of the public may attend the
1093 meeting remotely by electronic means; and

1094 (iv) the board of trustees allows members of the public attending the meeting by
1095 remote electronic means to participate in the meeting; or

1096 (d) (i) the public body is a special service district administrative control board
1097 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;

1098 (ii) the administrative control board's membership consists of:

1099 (A) at least one member who is elected or appointed to the board as an owner of land,
1100 or as an agent or officer of the owner of land, under the criteria described in Subsection
1101 [17D-1-304\(1\)\(a\)\(iii\)\(A\)](#) or (B), as applicable; or

1102 (B) members that qualify for election or appointment to the board because the owners
1103 of real property in the special service district meet or exceed the threshold percentage described
1104 in Subsection [17D-1-304\(1\)\(b\)\(i\)](#);

1105 (iii) the public notice required under Subsection [~~52-4-202(3)(a)(i)(B)~~] [52-4-202\(3\)\(a\)](#)
1106 for the electronic meeting includes information on how a member of the public may attend the
1107 meeting remotely by electronic means; and

1108 (iv) the administrative control board allows members of the public attending the
1109 meeting by remote electronic means to participate in the meeting.

1110 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which

1111 the chair of the public body makes the determination.

1112 (7) Compliance with the provisions of this section by a public body constitutes full and
1113 complete compliance by the public body with the corresponding provisions of Sections
1114 52-4-201 and 52-4-202.

1115 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection
1116 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to
1117 vote or otherwise act by proxy.

1118 (9) Except for a unanimous vote, a public body that is conducting an electronic
1119 meeting shall take all votes by roll call.

1120 Section 18. Section 53-2a-206 is amended to read:

1121 **53-2a-206. State of emergency -- Declaration -- Termination -- Commander in**
1122 **chief of military forces.**

1123 (1) A state of emergency may be declared by executive order of the governor if the
1124 governor finds a disaster has occurred or the occurrence or threat of a disaster is imminent in
1125 any area of the state in which state government assistance is required to supplement the
1126 response and recovery efforts of the affected political subdivision or political subdivisions.

1127 (2) (a) Except as provided in Subsection (2)(b), a state of emergency described in
1128 Subsection (1) expires at the earlier of:

1129 (i) the day on which the governor finds that the threat or danger has passed or the
1130 disaster reduced to the extent that emergency conditions no longer exist;

1131 (ii) 30 days after the date on which the governor declared the state of emergency; or

1132 (iii) the day on which the Legislature terminates the state of emergency by joint
1133 resolution.

1134 (b) (i) The Legislature may, by joint resolution, extend a state of emergency for a time
1135 period designated in the joint resolution.

1136 (ii) If the Legislature extends a state of emergency in accordance with this subsection,
1137 the state of emergency expires on the date designated in the joint resolution.

1138 (c) Except as provided in Subsection (3), if a state of emergency expires as described in
1139 Subsection (2), the governor may not declare a new state of emergency for the same disaster or
1140 occurrence as the expired state of emergency.

1141 (3) (a) After a state of emergency expires in accordance with Subsection (2), and

1142 subject to Subsection (4), the governor may declare a new state of emergency in response to the
1143 same disaster or occurrence as the expired state of emergency, if the governor finds that exigent
1144 circumstances exist.

1145 (b) A state of emergency declared in accordance with Subsection (3)(a) expires in
1146 accordance with Subsections (2)(a) and (b).

1147 (c) After a state of emergency declared in accordance with Subsection (3)(a) expires,
1148 the governor may not declare a new state of emergency in response to the same disaster or
1149 occurrence as the expired state of emergency, regardless of whether exigent circumstances
1150 exist.

1151 (4) (a) (i) If the Legislature finds that emergency conditions warrant the extension of a
1152 state of emergency beyond 30 days as described in Subsection (2)(b), the Legislature may
1153 extend the state of emergency and specify which emergency powers described in this part are
1154 necessary to respond to the emergency conditions present at the time of the extension of the
1155 state of emergency.

1156 (ii) Circumstances that may warrant the extension of a state of emergency with limited
1157 emergency powers include:

1158 (A) the imminent threat of the emergency has passed, but continued fiscal response
1159 remains necessary; or

1160 (B) emergency conditions warrant certain executive actions, but certain emergency
1161 powers such as suspension of enforcement of statute are not necessary.

1162 (b) For any state of emergency extended by the Legislature beyond 30 days as
1163 described in Subsection (2)(b), the Legislature may, by joint resolution:

1164 (i) extend the state of emergency and maintain all of the emergency powers described
1165 in this part; or

1166 (ii) limit or restrict certain emergency powers of:

1167 (A) the division as described in Section 53-2a-104;

1168 (B) the governor as described in Section 53-2a-204;

1169 (C) a chief executive officer of a political subdivision as described in Section
1170 53-2a-205; or

1171 (D) other executive emergency powers described in this chapter.

1172 (c) If the Legislature limits emergency powers as described in Subsection (4)(b), the

1173 Legislature shall:

1174 (i) include in the joint resolution findings describing the nature and current conditions
1175 of the emergency that warrant the continuation or limitation of certain emergency powers; and

1176 (ii) clearly enumerate and describe in the joint resolution which powers:

1177 (A) are being limited or restricted; or

1178 (B) shall remain in force.

1179 (5) If the Legislature terminates a state of emergency by joint resolution, the governor
1180 shall issue an executive order ending the state of emergency on receipt of the Legislature's
1181 resolution.

1182 (6) An executive order described in this section to declare a state of emergency shall
1183 state:

1184 (a) the nature of the state of emergency;

1185 (b) the area or areas threatened; and

1186 (c) the conditions creating such an emergency or those conditions allowing termination
1187 of the state of emergency.

1188 (7) During the continuance of any state of emergency the governor is commander in
1189 chief of the military forces of the state in accordance with Utah Constitution Article VII,
1190 Section 4, and [~~Title 39, Chapter 1, State Militia~~] Title 39A, National Guard and Militia Act.

1191 Section 19. Section **53G-5-405** is amended to read:

1192 **53G-5-405. Application of statutes and rules to charter schools.**

1193 (1) A charter school shall operate in accordance with its charter agreement and is
1194 subject to this public education code and other state laws applicable to public schools, except
1195 as otherwise provided in this chapter and other related provisions.

1196 (2) (a) Except as provided in Subsections (2)(b) and (2)(c), state board rules governing
1197 the following do not apply to a charter school:

1198 (i) school libraries;

1199 (ii) required school administrative and supervisory services; and

1200 (iii) required expenditures for instructional supplies.

1201 (b) A charter school shall comply with rules implementing statutes that prescribe how
1202 state appropriations may be spent.

1203 (c) If a charter school provides access to a school library, the charter school governing

1204 board shall provide an online platform:

1205 (i) through which a parent is able to view the title, author, and a description of any
1206 material the parent's child borrows from the school library, including a history of borrowed
1207 materials, either using an existing online platform that the charter school uses or through a
1208 separate platform; and

1209 (ii) (A) for a charter school with 1,000 or more enrolled students, no later than August
1210 1, 2024; and

1211 (B) for a charter school with fewer than 1,000 enrolled students, no later than August 1,
1212 2026.

1213 (3) The following provisions of this public education code, and rules adopted under
1214 those provisions, do not apply to a charter school:

1215 (a) Section 53E-4-408, requiring an independent evaluation of instructional materials;

1216 (b) Section 53G-4-409, requiring the use of activity disclosure statements;

1217 (c) Sections 53G-7-304 and 53G-7-306, pertaining to fiscal procedures of school
1218 districts and local school boards;

1219 [~~(d) Section 53G-7-606, requiring notification of intent to dispose of textbooks;~~]

1220 [~~(e)~~] (d) Section 53G-7-1202, requiring the establishment of a school community
1221 council; and

1222 [~~(f)~~] (e) Section 53G-10-404, requiring annual presentations on adoption.

1223 (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter
1224 school is considered an educational procurement unit as defined in Section 63G-6a-103.

1225 (5) Each charter school shall be subject to:

1226 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

1227 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

1228 (6) (a) A charter school is exempt from Section 51-2a-201.5, requiring accounting
1229 reports of certain nonprofit corporations.

1230 (b) A charter school is subject to the requirements of Section 53G-5-404.

1231 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
1232 existing state law and administrative rules for the purpose of determining from which laws and
1233 rules charter schools should be exempt.

1234 (b) (i) The State Charter School Board shall present recommendations for exemption to

1235 the state board for consideration.

1236 (ii) The state board shall consider the recommendations of the State Charter School
1237 Board and respond within 60 days.

1238 Section 20. Section **53G-6-603** is amended to read:

1239 **53G-6-603. Requirement of birth certificate for enrollment of students --**
1240 **Procedures.**

1241 (1) As used in this section:

1242 (a) "Child trafficking" means human trafficking of a child in violation of Section
1243 [76-5-308.5](#).

1244 (b) "Enroller" means an individual who enrolls a student in a public school.

1245 (c) "Review team" means a team described in Subsection (4), assigned to determine a
1246 student's biological age as described in this section.

1247 (d) "Social service provider" means the same as that term is defined in Section
1248 [53E-3-524](#).

1249 (2) Except as provided in Subsection (3), upon enrollment of a student for the first time
1250 in a particular school, that school shall notify the enroller in writing that within 30 days the
1251 enroller shall provide to the school either:

1252 (a) a certified copy of the student's birth certificate; or

1253 (b) (i) other reliable proof of the student's:

1254 (A) identity;

1255 (B) biological age; and

1256 (C) relationship to the student's legally responsible individual; and

1257 (ii) an affidavit explaining the enroller's inability to produce a copy of the student's
1258 birth certificate.

1259 (3) (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately
1260 reflects the student's biological age, the enroller shall provide to the school:

1261 (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a);
1262 and

1263 (ii) except as provided in Subsection (4), supporting documentation that establishes the
1264 student's biological age.

1265 (b) The supporting documentation described in Subsection (3)(a)(ii) may include:

- 1266 (i) a religious, hospital, or physician certificate showing the student's date of birth;
- 1267 (ii) an entry in a family religious text;
- 1268 (iii) an adoption record;
- 1269 (iv) previously verified school records;
- 1270 (v) previously verified immunization records;
- 1271 (vi) documentation from a social service provider; or
- 1272 (vii) other legal documentation, including from a consulate, that reflects the student's
- 1273 biological age.

1274 (4) (a) If the supporting documentation described in Subsection (3)(b) is not available,
1275 the school shall assign a review team to work with the enroller to determine the student's
1276 biological age for an LEA to use for a student's enrollment and appropriate placement in a
1277 public school.

1278 (b) The review team described in Subsection (4)(a):

1279 (i) may include:

1280 (A) an appropriate district administrator;

1281 (B) the student's teacher or teachers;

1282 (C) the school principal;

1283 (D) a school counselor;

1284 (E) a school social worker;

1285 (F) a school psychologist;

1286 (G) a culturally competent and trauma-informed community representative;

1287 (H) a school nurse or other school health specialist;

1288 (I) an interpreter, if necessary; or

1289 (J) a relevant educational equity administrator; and

1290 (ii) shall include at least three members, at least one of which has completed the
1291 instruction described in Subsection [53G-9-207](#)(3)(a), no more than two years prior to the
1292 member's appointment to the review team.

1293 (c) In addition to any duty to comply with the mandatory reporting requirements
1294 described in ~~[Sections]~~ Section [53E-6-701](#) [~~and~~ ~~62A-4a-403~~], a school shall report to local law
1295 enforcement and to the division any sign of child trafficking that the review team identifies in
1296 carrying out the review team's duties described in Subsection (4)(a).

1297 Section 21. Section 58-37-7 is amended to read:

1298 **58-37-7. Labeling and packaging controlled substance -- Informational pamphlet**
1299 **for opiates -- Naloxone education and offer to dispense.**

1300 (1) A person licensed pursuant to this act may not distribute a controlled substance
1301 unless it is packaged and labeled in compliance with the requirements of Section 305 of the
1302 Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

1303 (2) No person except a pharmacist for the purpose of filling a prescription shall alter,
1304 deface, or remove any label affixed by the manufacturer.

1305 (3) Whenever a pharmacy sells or dispenses any controlled substance on a prescription
1306 issued by a practitioner, the pharmacy shall affix to the container in which the substance is sold
1307 or dispensed:

1308 (a) a label showing the:

1309 (i) pharmacy name and address;

1310 (ii) serial number; and

1311 (iii) date of initial filling;

1312 (b) the prescription number, the name of the patient, or if the patient is an animal, the
1313 name of the owner of the animal and the species of the animal;

1314 (c) the name of the practitioner by whom the prescription was written;

1315 (d) any directions stated on the prescription; and

1316 (e) any directions required by rules and regulations promulgated by the department.

1317 (4) Whenever a pharmacy sells or dispenses a Schedule II or Schedule III controlled
1318 substance that is an opiate, the pharmacy shall:

1319 (a) affix a warning to the container or the lid for the container in which the substance is
1320 sold or dispensed that contains the following text:

1321 (i) "Caution: Opioid. Risk of overdose and addiction"; or

1322 (ii) any other language that is approved by the Department of Health and Human
1323 Services;

1324 (b) beginning January 1, 2024:

1325 (i) offer to counsel the patient or the patient's representative on the use and availability
1326 of an [~~opioid~~] opiate antagonist as defined in Section 26B-4-501; and

1327 (ii) offer to dispense an [~~opioid~~] opiate antagonist as defined in Section 26B-4-501 to

1328 the patient or the patient's representative, under a prescription from a practitioner or under
1329 Section 26B-4-510, if the patient:

1330 (A) receives a single prescription for 50 morphine milligram equivalents or more per
1331 day, calculated in accordance with guidelines developed by the United States Centers for
1332 Disease Control and Prevention;

1333 (B) is being dispensed an opioid and the pharmacy dispensed a benzodiazepine to the
1334 patient in the previous 30 day period; or

1335 (C) is being dispensed a benzodiazepine and the pharmacy dispensed an opioid to the
1336 patient in the previous 30 day period.

1337 (5) (a) A pharmacy who sells or dispenses a Schedule II or Schedule III controlled
1338 substance that is an opiate shall, if available from the Department of Health and Human
1339 Services, prominently display at the point of sale the informational pamphlet developed by the
1340 Department of Health and Human Services under Section 26B-4-514.

1341 (b) The board and the Department of Health and Human Services shall encourage
1342 pharmacies to use the informational pamphlet to engage in patient counseling regarding the
1343 risks associated with taking opiates.

1344 (c) The requirement in Subsection (5)(a) does not apply to a pharmacy if the pharmacy
1345 is unable to obtain the informational pamphlet from the Department of Health and Human
1346 Services for any reason.

1347 (6) A person may not alter the face or remove any label so long as any of the original
1348 contents remain.

1349 (7) (a) An individual to whom or for whose use any controlled substance has been
1350 prescribed, sold, or dispensed by a practitioner and the owner of any animal for which any
1351 controlled substance has been prescribed, sold, or dispensed by a veterinarian may lawfully
1352 possess it only in the container in which it was delivered to the individual by the person selling
1353 or dispensing it.

1354 (b) It is a defense to a prosecution under this subsection that the person being
1355 prosecuted produces in court a valid prescription for the controlled substance or the original
1356 container with the label attached.

1357 Section 22. Section 58-37-19 is amended to read:

1358 **58-37-19. Opiate prescription consultation -- Prescription for opiate antagonist**

1359 **required.**

1360 (1) As used in this section:

1361 (a) "Initial opiate prescription" means a prescription for an opiate to a patient who:

1362 (i) has never previously been issued a prescription for an opiate; or

1363 (ii) was previously issued a prescription for an opiate, but the date on which the current
1364 prescription is being issued is more than one year after the date on which an opiate was
1365 previously prescribed or administered to the patient.

1366 (b) "[~~Opioid~~] Opiate antagonist" means the same as that term is defined in Section
1367 [26B-4-501](#).

1368 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
1369 under this chapter.

1370 (2) Except as provided in Subsection (3), a prescriber may not issue an initial opiate
1371 prescription without discussing with the patient, or the patient's parent or guardian if the patient
1372 is under 18 years old and is not an emancipated minor:

1373 (a) the risks of addiction and overdose associated with opiate drugs;

1374 (b) the dangers of taking opiates with alcohol, benzodiazepines, and other central
1375 nervous system depressants;

1376 (c) the reasons why the prescription is necessary;

1377 (d) alternative treatments that may be available; and

1378 (e) other risks associated with the use of the drugs being prescribed.

1379 (3) Subsection (2) does not apply to a prescription for:

1380 (a) a patient who is currently in active treatment for cancer;

1381 (b) a patient who is receiving hospice care from a licensed hospice as defined in
1382 Section [26B-2-201](#); or

1383 (c) a medication that is being prescribed to a patient for the treatment of the patient's
1384 substance abuse or opiate dependence.

1385 (4) (a) Beginning January 1, 2024, a prescriber shall offer to prescribe or dispense an
1386 [~~opioid~~] opiate antagonist to a patient if the patient receives an initial opiate prescription for:

1387 (i) 50 morphine milligram equivalents or more per day, calculated in accordance with
1388 guidelines developed by the United States Centers for Disease Control and Prevention; or

1389 (ii) any opiate if the practitioner is also prescribing a benzodiazepine to the patient.

1390 (b) Subsection (4)(a) does not apply if the initial opiate prescription:
1391 (i) is administered directly to an ultimate user by a licensed practitioner; or
1392 (ii) is for a three-day supply or less.
1393 (c) This Subsection (4) does not require a patient to purchase or obtain an [opiod]
1394 opiate antagonist as a condition of receiving the patient's initial opiate prescription.

1395 Section 23. Section **58-67-305** is amended to read:

1396 **58-67-305. Exemptions from licensure.**

1397 In addition to the exemptions from licensure in Section [58-1-307](#), the following
1398 individuals may engage in the described acts or practices without being licensed under this
1399 chapter:

1400 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1401 value for the service is charged, received, expected, or contemplated;

1402 (2) an individual administering a domestic or family remedy;

1403 (3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements,
1404 herbs, or other products of nature, the sale of which is not otherwise prohibited by state or
1405 federal law; and

1406 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
1407 based on a personal belief, when obtaining or providing any information regarding health care
1408 and the use of any product under Subsection (3)(a)(i); and

1409 (b) Subsection (3)(a) does not:

1410 (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,
1411 pain, or other condition; or

1412 (ii) prohibit providing truthful and non-misleading information regarding any of the
1413 products under Subsection (3)(a)(i);

1414 (4) a person engaged in good faith in the practice of the religious tenets of any church
1415 or religious belief, without the use of prescription drugs;

1416 (5) an individual authorized by the Department of Health and Human Services under
1417 Section [~~26-1-30~~] [26B-1-202](#), to draw blood pursuant to Subsection [41-6a-523\(1\)\(a\)\(vi\)](#),
1418 [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#);

1419 (6) a medical assistant:

1420 (a) administering a vaccine under the general supervision of a physician; or

1421 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1422 delegated by the physician in accordance with the standards and ethics of the practice of
1423 medicine, except for:

1424 (i) performing surgical procedures;

1425 (ii) prescribing prescription medications;

1426 (iii) administering anesthesia other than for a local anesthetic for minor procedural use;

1427 or

1428 (iv) engaging in other medical practices or procedures as defined by division rule in
1429 collaboration with the board;

1430 (7) an individual engaging in the practice of medicine when:

1431 (a) the individual is licensed in good standing as a physician in another state with no
1432 licensing action pending and no less than 10 years of professional experience;

1433 (b) the services are rendered as a public service and for a noncommercial purpose;

1434 (c) no fee or other consideration of value is charged, received, expected, or
1435 contemplated for the services rendered beyond an amount necessary to cover the proportionate
1436 cost of malpractice insurance; and

1437 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;

1438 (8) an individual providing expert testimony in a legal proceeding; and

1439 (9) an individual who is invited by a school, association, society, or other body
1440 approved by the division to conduct a clinic or demonstration of the practice of medicine in
1441 which patients are treated, if:

1442 (a) the individual does not establish a place of business in this state;

1443 (b) the individual does not regularly engage in the practice of medicine in this state;

1444 (c) the individual holds a current license in good standing to practice medicine issued
1445 by another state, district or territory of the United States, or Canada;

1446 (d) the primary purpose of the event is the training of others in the practice of
1447 medicine; and

1448 (e) neither the patient nor an insurer is billed for the services performed.

1449 Section 24. Section **58-68-305** is amended to read:

1450 **58-68-305. Exemptions from licensure.**

1451 In addition to the exemptions from licensure in Section **58-1-307**, the following

1452 individuals may engage in the described acts or practices without being licensed under this
1453 chapter:

1454 (1) an individual rendering aid in an emergency, when no fee or other consideration of
1455 value for the service is charged, received, expected, or contemplated;

1456 (2) an individual administering a domestic or family remedy;

1457 (3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary
1458 supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited
1459 by state or federal law; and

1460 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or
1461 based on a personal belief, when obtaining or providing any information regarding health care
1462 and the use of any product under Subsection (3)(a)(i); and

1463 (b) Subsection (3)(a) does not:

1464 (i) permit a person to diagnose any human disease, ailment, injury, infirmity,
1465 deformity, pain, or other condition; or

1466 (ii) prohibit providing truthful and non-misleading information regarding any of the
1467 products under Subsection (3)(a)(i);

1468 (4) a person engaged in good faith in the practice of the religious tenets of any church
1469 or religious belief without the use of prescription drugs;

1470 (5) an individual authorized by the Department of Health and Human Services under
1471 Section [~~26-1-30~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
1472 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

1473 (6) a medical assistant:

1474 (a) administering a vaccine under the general supervision of a physician; or

1475 (b) under the indirect supervision of a physician, engaging in tasks appropriately
1476 delegated by the physician in accordance with the standards and ethics of the practice of
1477 medicine, except for:

1478 (i) performing surgical procedures;

1479 (ii) prescribing prescription medications;

1480 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or

1481 (iv) engaging in other medical practices or procedures as defined by division rule in
1482 collaboration with the board;

- 1483 (7) an individual engaging in the practice of osteopathic medicine when:
- 1484 (a) the individual is licensed in good standing as an osteopathic physician in another
- 1485 state with no licensing action pending and no less than 10 years of professional experience;
- 1486 (b) the services are rendered as a public service and for a noncommercial purpose;
- 1487 (c) no fee or other consideration of value is charged, received, expected, or
- 1488 contemplated for the services rendered beyond an amount necessary to cover the proportionate
- 1489 cost of malpractice insurance; and
- 1490 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- 1491 (8) an individual providing expert testimony in a legal proceeding; and
- 1492 (9) an individual who is invited by a school, association, society, or other body
- 1493 approved by the division in collaboration with the board to conduct a clinic or demonstration of
- 1494 the practice of medicine in which patients are treated, if:
- 1495 (a) the individual does not establish a place of business in this state;
- 1496 (b) the individual does not regularly engage in the practice of medicine in this state;
- 1497 (c) the individual holds a current license in good standing to practice medicine issued
- 1498 by another state, district or territory of the United States, or Canada;
- 1499 (d) the primary purpose of the event is the training of others in the practice of
- 1500 medicine; and
- 1501 (e) neither the patient nor an insurer is billed for the services performed.

1502 Section 25. Section **58-71-305** is amended to read:

1503 **58-71-305. Exemptions from licensure.**

1504 In addition to the exemptions from licensure in Section [58-1-307](#), the following

1505 individuals may engage in the described acts or practices without being licensed under this

1506 chapter:

- 1507 (1) an individual rendering aid in an emergency, when no fee or other consideration of
- 1508 value for the service is charged, received, expected, or contemplated;
- 1509 (2) an individual administering a domestic or family remedy;
- 1510 (3) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs,
- 1511 or other products of nature, the sale of which is not otherwise prohibited under state or federal
- 1512 law, but this subsection does not:
- 1513 (a) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,

1514 pain, or other condition; or

1515 (b) prohibit providing truthful and nonmisleading information regarding any of the
1516 products under this subsection;

1517 (4) a person engaged in good faith in the practice of the religious tenets of any church
1518 or religious belief, without the use of prescription drugs;

1519 (5) a person acting in good faith for religious reasons as a matter of conscience or
1520 based on a personal belief when obtaining or providing information regarding health care and
1521 the use of any product under Subsection (3);

1522 (6) an individual authorized by the Department of Health and Human Services under
1523 Section [~~26-1-39~~] 26B-1-202, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi),
1524 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

1525 (7) a naturopathic medical assistant while working under the direct and immediate
1526 supervision of a licensed naturopathic physician to the extent the medical assistant is engaged
1527 in tasks appropriately delegated by the supervisor in accordance with the standards and ethics
1528 of the practice of naturopathic medicine; and

1529 (8) an individual who has completed all requirements for licensure under this chapter
1530 except the clinical experience required under Section 58-71-302, for a period of one year while
1531 that individual is completing that clinical experience requirement and who is working under the
1532 provisions of a temporary license issued by the division.

1533 Section 26. Section **63A-17-808** is amended to read:

1534 **63A-17-808. On-site child care for state employees.**

1535 (1) As used in this section:

1536 (a) "Child care" means the same as that term is defined in Section 35A-3-201.

1537 (b) "Licensed child care provider" means a person who holds a license from the
1538 Department of Health and Human Services to provide center based child care in accordance
1539 with [~~Title 26, Chapter 39, Utah Child Care Licensing Act~~] Title 26B, Chapter 2, Part 4, Child
1540 Care Licensing.

1541 (c) "On-site child care center" means a child care center established in a facility that is
1542 owned or operated by an agency.

1543 (2) An agency may enter into a contract with a licensed child care provider to operate
1544 an on-site child care center for the benefit of the agency's employees.

1545 (3) A licensed child care provider that operates an on-site child care center for an
1546 agency shall maintain professional liability insurance.

1547 (4) (a) An agency may charge a licensed child care provider a reasonable fee for
1548 operating an on-site child care center so that the agency incurs no expense.

1549 (b) The fee in Subsection (4)(a) shall include costs for utility, building maintenance,
1550 and administrative services supplied by the agency that are related to the operation of the
1551 on-site child care center.

1552 (5) An agency may consult with the Office of Child Care within the Department of
1553 Workforce Services, the Department of Health and Human Services, and the Division of
1554 Facilities Construction and Management for assistance in establishing an on-site child care
1555 center.

1556 (6) The state is not liable for any civil damages for acts or omissions resulting from the
1557 operation of an on-site child care center.

1558 Section 27. Section **63G-2-107** is amended to read:

1559 **63G-2-107. Disclosure of records subject to federal law or other provisions of**
1560 **state law.**

1561 (1) (a) The disclosure of a record to which access is governed or limited pursuant to
1562 court rule, another state statute, federal statute, or federal regulation, including a record for
1563 which access is governed or limited as a condition of participation in a state or federal program
1564 or for receiving state or federal funds, is governed by the specific provisions of that statute,
1565 rule, or regulation.

1566 (b) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), this chapter applies
1567 to records described in Subsection (1)(a) to the extent that this chapter is not inconsistent with
1568 the statute, rule, or regulation.

1569 (2) Except as provided in Subsection [~~(3)~~] (4), this chapter does not apply to a record
1570 containing protected health information as defined in 45 C.F.R., Part 164, Standards for
1571 Privacy of Individually Identifiable Health Information, if the record is:

1572 (a) controlled or maintained by a governmental entity; and

1573 (b) governed by 45 C.F.R., Parts 160 and 164, Standards for Privacy of Individually
1574 Identifiable Health Information.

1575 [~~(c)~~] (3) The disclosure of an education record as defined in the Family Educational

1576 Rights and Privacy Act, 34 C.F.R. Part 99, that is controlled or maintained by a governmental
1577 entity shall be governed by the Family Educational Rights and Privacy Act, 34 C.F.R.
1578 Part 99.

1579 ~~[(3)]~~ (4) This section does not exempt any record or record series from the provisions
1580 of Subsection 63G-2-601(1).

1581 Section 28. Section 63I-1-219 is amended to read:

1582 **63I-1-219. Repeal dates: Title 19.**

1583 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

1584 (2) Section 19-2a-102 is repealed July 1, 2026.

1585 ~~[(3) Section 19-2a-104 is repealed July 1, 2022.]~~

1586 ~~[(4)]~~ (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

1587 (b) Notwithstanding Subsection ~~[(4)(a)]~~ (3)(a), Section 19-4-115, Drinking water
1588 quality in schools and child care centers, is repealed July 1, 2027.

1589 ~~[(5)]~~ (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

1590 ~~[(6)]~~ (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
1591 2029.

1592 ~~[(7)]~~ (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed
1593 July 1, 2030.

1594 ~~[(8)]~~ (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
1595 2028.

1596 ~~[(9)]~~ (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1,
1597 2026.

1598 ~~[(10)]~~ (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1,
1599 2029.

1600 ~~[(11)]~~ (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1,
1601 2030.

1602 ~~[(12)]~~ (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July
1603 1, 2027.

1604 Section 29. Section 63I-1-263 is amended to read:

1605 **63I-1-263. Repeal dates: Titles 63A through 63N.**

1606 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital

1607 improvement funding, is repealed July 1, 2024.

1608 ~~[(2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,~~
1609 ~~2023.]~~

1610 ~~[(3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review~~
1611 ~~Committee, are repealed July 1, 2023.]~~

1612 ~~[(4)]~~ (2) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
1613 July 1, 2028.

1614 ~~[(5)]~~ (3) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1615 2025.

1616 ~~[(6)]~~ (4) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
1617 July 1, 2024.

1618 ~~[(7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is~~
1619 ~~repealed July 1, 2023.]~~

1620 ~~[(8)]~~ (5) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
1621 repealed December 31, 2026.

1622 ~~[(9)]~~ (6) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1623 repealed July 1, 2026.

1624 ~~[(10)]~~ (7) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

1625 ~~[(11)]~~ (8) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

1626 ~~[(12)]~~ (9) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed
1627 December 31, 2024.

1628 ~~[(13)]~~ (10) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is
1629 repealed on July 1, 2028.

1630 ~~[(14)]~~ (11) Section [63G-6a-805](#), which creates the Purchasing from Persons with
1631 Disabilities Advisory Board, is repealed July 1, 2026.

1632 ~~[(15)]~~ (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
1633 July 1, 2028.

1634 ~~[(16)]~~ (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
1635 July 1, 2024.

1636 ~~[(17)]~~ (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
1637 2026.

1638 [~~18~~] (15) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety
1639 Commission, is repealed January 1, 2025.

1640 [~~19~~] (16) Section [63L-11-204](#), creating a canyon resource management plan to Provo
1641 Canyon, is repealed July 1, 2025.

1642 [~~20~~] (17) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
1643 Committee, is repealed July 1, 2027.

1644 [~~21~~] (18) In relation to the Utah Substance Use and Mental Health Advisory Council,
1645 on January 1, 2033:

1646 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
1647 repealed;

1648 (b) Section [63M-7-305](#), the language that states "council" is replaced with
1649 "commission";

1650 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:
1651 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

1652 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
1653 "(2) The commission shall:

1654 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1655 Drug-Related Offenses Reform Act; and

1656 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
1657 Subsections [77-18-103](#)(2)(c) and (d)."

1658 [~~22~~] (19) The Crime Victim Reparations and Assistance Board, created in Section
1659 [63M-7-504](#), is repealed July 1, 2027.

1660 [~~23~~] (20) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed
1661 July 1, 2026.

1662 [~~24~~] (21) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
1663 2026.

1664 [~~25~~] (22) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
1665 repealed January 1, 2025.

1666 [~~26~~] (23) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1667 [~~27~~] (24) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
1668 July 1, 2028.

1669 ~~[(28)]~~ (25) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
1670 repealed July 1, 2027.

1671 ~~[(29)]~~ (26) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
1672 Program, is repealed July 1, 2025.

1673 ~~[(30)]~~ (27) In relation to the Rural Employment Expansion Program, on July 1, 2028:

1674 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
1675 and

1676 (b) Subsection [63N-4-805\(5\)\(b\)](#), referring to the Rural Employment Expansion
1677 Program, is repealed.

1678 ~~[(31)]~~ (28) In relation to the Board of Tourism Development, on July 1, 2025:

1679 (a) Subsection [63N-2-511\(1\)\(b\)](#), which defines "tourism board," is repealed;

1680 (b) Subsections [63N-2-511\(3\)\(a\)](#) and (5), the language that states "tourism board" is
1681 repealed and replaced with "Utah Office of Tourism";

1682 (c) Subsection [63N-7-101\(1\)](#), which defines "board," is repealed;

1683 (d) Subsection [63N-7-102\(3\)\(c\)](#), which requires the Utah Office of Tourism to receive
1684 approval from the Board of Tourism Development, is repealed; and

1685 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1686 ~~[(32)]~~ (29) Subsection [63N-8-103\(3\)\(c\)](#), which allows the Governor's Office of
1687 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
1688 is repealed on July 1, 2024.

1689 Section 30. Section [63I-2-272](#) is amended to read:

1690 **[63I-2-272](#). Repeal dates: Title 72.**

1691 (1) Subsections [72-1-213.1\(13\)\(a\)](#) and (b), related to the road usage charge rate and
1692 road usage charge cap, are repealed January 1, 2033.

1693 ~~[(2) Section [72-1-216.1](#) is repealed January 1, 2023.]~~

1694 ~~[(3)]~~ (2) Section [72-2-127](#) is repealed on July 1, 2024.

1695 ~~[(4)]~~ (3) Section [72-2-130](#) is repealed on July 1, 2024.

1696 ~~[(5) Section [72-4-105.1](#) is repealed on January 1, 2024.]~~

1697 Section 31. Section [71A-8-103 \(Superseded 07/01/24\)](#) is amended to read:

1698 **[71A-8-103 \(Superseded 07/01/24\)](#). Employees in military service -- Extension of**
1699 **licenses for members of National Guard and reservists ordered to active duty.**

- 1700 (1) As used in this section, "license" means: ~~[any license issued under:]~~
1701 (a) any license issued under Title 58, Occupations and Professions; and
1702 (b) ~~[Section 26B-4-116]~~ a license for emergency medical personnel.
- 1703 (2) Any license held by a member of the National Guard or reserve component of the
1704 armed forces that expires while the member is on state or federal active duty shall be extended
1705 until 90 days after the member is discharged from active duty status.
- 1706 (3) The licensing agency shall renew a license extended under Subsection (2) until the
1707 next date that the license expires or for the period that the license is normally issued, at no cost
1708 to the member of the National Guard or reserve component of the armed forces if all of the
1709 following conditions are met:
- 1710 (a) the National Guard member or reservist requests renewal of the license within 90
1711 days after being discharged;
- 1712 (b) the National Guard member or reservist provides the licensing agency with a copy
1713 of the member's or reservist's official orders calling the member or reservist to active duty, and
1714 official orders discharging the member or reservist from active duty; and
- 1715 (c) the National Guard member or reservist meets all the requirements necessary for the
1716 renewal of the license, except the member or reservist need not meet the requirements, if any,
1717 that relate to continuing education or training.
- 1718 (4) The provisions of this section do not apply to:
- 1719 (a) regularly scheduled annual training;
- 1720 (b) in-state active National Guard and reserve orders; or
- 1721 (c) orders that do not require the service member to relocate outside of this state.
- 1722 Section 32. Section **73-2-1** is amended to read:
- 1723 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**
- 1724 (1) There shall be a state engineer.
- 1725 (2) The state engineer shall:
- 1726 (a) be appointed by the governor with the advice and consent of the Senate;
- 1727 (b) hold office for the term of four years and until a successor is appointed; and
- 1728 (c) have five years experience as a practical engineer or the theoretical knowledge,
1729 practical experience, and skill necessary for the position.
- 1730 (3) (a) The state engineer shall be responsible for the general administrative

1731 supervision of the waters of the state and the measurement, appropriation, apportionment, and
1732 distribution of those waters.

1733 (b) The state engineer may secure the equitable apportionment and distribution of the
1734 water according to the respective rights of appropriators.

1735 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
1736 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1737 regarding:

1738 (a) reports of water right conveyances;

1739 (b) the construction of water wells and the licensing of water well drillers;

1740 (c) dam construction and safety;

1741 (d) the alteration of natural streams;

1742 (e) geothermal resource conservation;

1743 (f) enforcement orders and the imposition of fines and penalties;

1744 (g) the duty of water; and

1745 (h) standards for written plans of a public water supplier that may be presented as
1746 evidence of reasonable future water requirements under Subsection 73-1-4(2)(f).

1747 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
1748 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
1749 governing:

1750 (a) water distribution systems and water commissioners;

1751 (b) water measurement and reporting;

1752 (c) groundwater recharge and recovery;

1753 (d) wastewater reuse;

1754 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
1755 surface or underground water that is not represented by a certificate of appropriation;

1756 (f) the form and content of a proof submitted to the state engineer under Section
1757 73-3-16;

1758 (g) the determination of water rights; or

1759 [~~h~~] preferences of water rights under Section 73-3-21.5; ~~or~~]

1760 [~~i~~] h the form and content of applications and related documents, maps, and reports.

1761 (6) The state engineer may bring suit in courts of competent jurisdiction to:

1762 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
1763 water without first seeking redress through the administrative process;

1764 (b) prevent theft, waste, loss, or pollution of surface and underground waters;

1765 (c) enable the state engineer to carry out the duties of the state engineer's office; and

1766 (d) enforce administrative orders and collect fines and penalties.

1767 (7) The state engineer may:

1768 (a) upon request from the board of trustees of an irrigation district under Title 17B,
1769 Chapter 2a, Part 5, Irrigation District Act, or another special district under Title 17B, Limited
1770 Purpose Local Government Entities - Special Districts, or a special service district under Title
1771 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a
1772 water survey to be made of the lands proposed to be annexed to the district in order to
1773 determine and allot the maximum amount of water that could be beneficially used on the land,
1774 with a separate survey and allotment being made for each 40-acre or smaller tract in separate
1775 ownership; and

1776 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
1777 district board a return of the survey and report of the allotment.

1778 (8) (a) The state engineer may establish water distribution systems and define the water
1779 distribution systems' boundaries.

1780 (b) The water distribution systems shall be formed in a manner that:

1781 (i) secures the best protection to the water claimants; and

1782 (ii) is the most economical for the state to supervise.

1783 (9) The state engineer may conduct studies of current and novel uses of water in the
1784 state.

1785 (10) Notwithstanding Subsection (4)(b), the state engineer may not on the basis of the
1786 depth of a water production well exempt the water production well from regulation under this
1787 title or rules made under this title related to the:

1788 (a) drilling, constructing, deepening, repairing, renovating, cleaning, developing,
1789 testing, disinfecting, or abandonment of a water production well; or

1790 (b) installation or repair of a pump for a water production well.

1791 Section 33. Section **76-3-203.3** is amended to read:

1792 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

1793 As used in this section:

1794 (1) "Primary offense" means those offenses provided in Subsection (4).

1795 (2) (a) A person who commits any primary offense with the intent to intimidate or
1796 terrorize another person or with reason to believe that his action would intimidate or terrorize
1797 that person is subject to Subsection (2)(b).

1798 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

1799 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

1800 (3) "Intimidate or terrorize" means an act which causes the person to fear for his
1801 physical safety or damages the property of that person or another. The act must be
1802 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to
1803 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the
1804 Constitution or laws of the United States.

1805 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

1806 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,
1807 76-5-107, and 76-5-108;

1808 (b) any misdemeanor property destruction offense under Sections 76-6-102 and
1809 76-6-104, and Subsection 76-6-106(2)(a);

1810 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

1811 (d) any misdemeanor theft offense under [~~Section 76-6-412~~] Chapter 6, Offenses
1812 Against Property;

1813 (e) any offense of obstructing government operations under Sections 76-8-301,
1814 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;

1815 (f) any offense of interfering or intending to interfere with activities of colleges and
1816 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

1817 (g) any misdemeanor offense against public order and decency as defined in Title 76,
1818 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

1819 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
1820 Communication and Telephone Abuse;

1821 (i) any cruelty to animals offense under Section 76-9-301;

1822 (j) any weapons offense under Section 76-10-506; or

1823 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.

1824 (5) This section does not affect or limit any individual's constitutional right to the
1825 lawful expression of free speech or other recognized rights secured by the Constitution or laws
1826 of the state or by the Constitution or laws of the United States.

1827 Section 34. Section **76-3-402** is amended to read:

1828 **76-3-402. Conviction of lower degree of offense -- Procedure and limitations.**

1829 (1) As used in this section:

1830 (a) "Lower degree of offense" includes an offense for which:

1831 (i) a statutory enhancement is charged in the information or indictment that would
1832 increase either the maximum or the minimum sentence; and

1833 (ii) the court removes the statutory enhancement in accordance with this section.

1834 (b) "Minor regulatory offense" means the same as that term is defined in Section
1835 [77-40a-101](#).

1836 (c) (i) "Rehabilitation program" means a program designed to reduce criminogenic and
1837 recidivism risks.

1838 (ii) "Rehabilitation program" includes:

1839 (A) a domestic violence treatment program, as that term is defined in Section

1840 ~~[62A-2-101]~~ [26B-2-101](#);

1841 (B) a residential, vocational, and life skills program, as that term is defined in Section
1842 [13-53-102](#);

1843 (C) a substance abuse treatment program, as that term is defined in Section

1844 ~~[62A-2-101]~~ [26B-2-101](#);

1845 (D) a substance use disorder treatment program, as that term is defined in Section

1846 ~~[62A-2-101]~~ [26B-2-101](#);

1847 (E) a youth program, as that term is defined in Section ~~[62A-2-101]~~ [26B-2-101](#);

1848 (F) a program that meets the standards established by the Department of Corrections
1849 under Section [64-13-25](#);

1850 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
1851 Council; or

1852 (H) a program that is substantially similar to a program described in Subsections
1853 (1)(c)(ii)(A) through (G).

1854 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor

1855 regulatory offense or a traffic offense.

1856 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.

1857 (f) (i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
1858 that term is defined in Section 76-3-203.5.

1859 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
1860 conspiracy to commit an offense, for:

1861 (A) the possession, use, or removal of explosive, chemical, or incendiary devices under
1862 Subsection 76-10-306(3), (5), or (6); or

1863 (B) the purchase or possession of a dangerous weapon or handgun by a restricted
1864 person under Section 76-10-503.

1865 (2) The court may enter a judgment of conviction for a lower degree of offense than
1866 established by statute and impose a sentence at the time of sentencing for the lower degree of
1867 offense if the court:

1868 (a) takes into account:

1869 (i) the nature and circumstances of the offense of which the defendant was found
1870 guilty; and

1871 (ii) the history and character of the defendant;

1872 (b) gives any victim present at the sentencing and the prosecuting attorney an
1873 opportunity to be heard; and

1874 (c) concludes that the degree of offense established by statute would be unduly harsh to
1875 record as a conviction on the record for the defendant.

1876 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1877 a judgment of conviction for a lower degree of offense than established by statute:

1878 (a) after the defendant is successfully discharged from probation or parole for the
1879 conviction; and

1880 (b) if the court finds that entering a judgment of conviction for a lower degree of
1881 offense is in the interest of justice in accordance with Subsection (7).

1882 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1883 a judgment of conviction for a lower degree of offense than established by statute if:

1884 (a) the defendant's probation or parole for the conviction did not result in a successful
1885 discharge but the defendant is successfully discharged from probation or parole for a

1886 subsequent conviction of an offense;

1887 (b) (i) at least five years have passed after the day on which the defendant is sentenced
1888 for the subsequent conviction; or

1889 (ii) at least three years have passed after the day on which the defendant is sentenced
1890 for the subsequent conviction and the prosecuting attorney consents to the reduction;

1891 (c) the defendant is not convicted of a serious offense during the time period described
1892 in Subsection (4)(b);

1893 (d) there are no criminal proceedings pending against the defendant;

1894 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
1895 offense;

1896 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
1897 attorney consents to the reduction; and

1898 (g) the court finds that entering a judgment of conviction for a lower degree of offense
1899 is in the interest of justice in accordance with Subsection (7).

1900 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1901 a judgment of conviction for a lower degree of offense than established by statute if:

1902 (a) the defendant's probation or parole for the conviction did not result in a successful
1903 discharge but the defendant is successfully discharged from a rehabilitation program;

1904 (b) at least three years have passed after the day on which the defendant is successfully
1905 discharged from the rehabilitation program;

1906 (c) the defendant is not convicted of a serious offense during the time period described
1907 in Subsection (5)(b);

1908 (d) there are no criminal proceedings pending against the defendant;

1909 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
1910 offense;

1911 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
1912 attorney consents to the reduction; and

1913 (g) the court finds that entering a judgment of conviction for a lower degree of offense
1914 is in the interest of justice in accordance with Subsection (7).

1915 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter
1916 a judgment of conviction for a lower degree of offense than established by statute if:

- 1917 (a) at least five years have passed after the day on which the defendant's probation or
1918 parole for the conviction did not result in a successful discharge;
- 1919 (b) the defendant is not convicted of a serious offense during the time period described
1920 in Subsection (6)(a);
- 1921 (c) there are no criminal proceedings pending against the defendant;
- 1922 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
1923 offense;
- 1924 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
1925 attorney consents to the reduction; and
- 1926 (f) the court finds that entering a judgment of conviction for a lower degree of offense
1927 is in the interest of justice in accordance with Subsection (7).
- 1928 (7) In determining whether entering a judgment of a conviction for a lower degree of
1929 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 1930 (a) the court shall consider:
- 1931 (i) the nature, circumstances, and severity of the offense for which a reduction is
1932 sought;
- 1933 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
1934 offense for which the reduction is sought; and
- 1935 (iii) any input from a victim of the offense; and
- 1936 (b) the court may consider:
- 1937 (i) any special characteristics or circumstances of the defendant, including the
1938 defendant's criminogenic risks and needs;
- 1939 (ii) the defendant's criminal history;
- 1940 (iii) the defendant's employment and community service history;
- 1941 (iv) whether the defendant participated in a rehabilitative program and successfully
1942 completed the program;
- 1943 (v) any effect that a reduction would have on the defendant's ability to obtain or
1944 reapply for a professional license from the Department of Commerce;
- 1945 (vi) whether the level of the offense has been reduced by law after the defendant's
1946 conviction;
- 1947 (vii) any potential impact that the reduction would have on public safety; or

1948 (viii) any other circumstances that are reasonably related to the defendant or the
1949 offense for which the reduction is sought.

1950 (8) (a) A court may only enter a judgment of conviction for a lower degree of offense
1951 under Subsection (3), (4), (5), or (6) after:

1952 (i) notice is provided to the other party;

1953 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice to
1954 any victims; and

1955 (iii) a hearing is held if a hearing is requested by either party.

1956 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a
1957 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), or (6).

1958 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
1959 motion, the moving party has the burden to provide evidence sufficient to demonstrate that the
1960 requirements under Subsection (3), (4), (5), or (6) are met.

1961 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
1962 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the defendant is
1963 committed to jail as a condition of probation or is sentenced to prison.

1964 (10) (a) An offense may be reduced only one degree under this section, unless the
1965 prosecuting attorney specifically agrees in writing or on the court record that the offense may
1966 be reduced two degrees.

1967 (b) An offense may not be reduced under this section by more than two degrees.

1968 (11) This section does not preclude an individual from obtaining or being granted an
1969 expungement of the individual's record in accordance with Title 77, Chapter 40a,
1970 Expungement.

1971 (12) The court may not enter a judgment for a conviction for a lower degree of offense
1972 under this section if:

1973 (a) the reduction is specifically precluded by law; or

1974 (b) any unpaid balance remains on court-ordered restitution for the offense for which
1975 the reduction is sought.

1976 (13) When the court enters a judgment for a lower degree of offense under this section,
1977 the actual title of the offense for which the reduction is made may not be altered.

1978 (14) (a) An individual may not obtain a reduction under this section of a conviction

1979 that requires the individual to register as a sex offender until the registration requirements
1980 under Title 77, Chapter 41, Sex and Kidnap Offender Registry, have expired.

1981 (b) An individual required to register as a sex offender for the individual's lifetime
1982 under Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the
1983 offense or offenses that require the individual to register as a sex offender.

1984 (15) (a) An individual may not obtain a reduction under this section of a conviction
1985 that requires the individual to register as a child abuse offender until the registration
1986 requirements under Title 77, Chapter 43, Child Abuse Offender Registry, have expired.

1987 (b) An individual required to register as a child abuse offender for the individual's
1988 lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the conviction for
1989 the offense or offenses that require the individual to register as a child abuse offender.

1990 Section 35. Section 76-5-207 is amended to read:

1991 **76-5-207. Negligently operating a vehicle resulting in death -- Penalties --**
1992 **Evidence.**

1993 (1) (a) As used in this section:

1994 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

1995 (ii) "Criminally negligent" means the same as that term is described in Subsection
1996 76-2-103(4).

1997 (iii) "Drug" means:

1998 (A) a controlled substance;

1999 (B) a drug as defined in Section 58-37-2; or

2000 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human
2001 body, can impair the ability of an individual to safely operate a vehicle.

2002 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
2003 degree of care that reasonable and prudent persons exercise under like or similar circumstances.

2004 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

2005 (b) Terms defined in Section 76-1-101.5 apply to this section.

2006 (2) An actor commits negligently operating a vehicle resulting in death if the actor:

2007 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the
2008 death of another individual; and

2009 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical test

2010 shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the
2011 time of the test;

2012 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol
2013 and any drug to a degree that renders the actor incapable of safely operating a vehicle; or

2014 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of
2015 operation; or

2016 (b) (i) operates a vehicle in a criminally negligent manner causing death to another; and

2017 (ii) has in the actor's body any measurable amount of a controlled substance.

2018 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty
2019 of:

2020 (a) a second degree felony; and

2021 (b) a separate offense for each victim suffering death as a result of the actor's violation
2022 of this section, regardless of whether the deaths arise from the same episode of driving.

2023 (4) An actor is not guilty of a violation of negligently operating a vehicle resulting in
2024 death under Subsection (2)(b) if:

2025 (a) the controlled substance was obtained under a valid prescription or order, directly
2026 from a practitioner while acting in the course of the practitioner's professional practice, or as
2027 otherwise authorized by Title 58, Occupations and Professions;

2028 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

2029 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
2030 [58-37-4.2](#) if:

2031 (i) the actor is the subject of medical research conducted by a holder of a valid license
2032 to possess controlled substances under Section [58-37-6](#); and

2033 (ii) the substance was administered to the actor by the medical researcher.

2034 (5) (a) A judge imposing a sentence under this section may consider:

2035 (i) the sentencing guidelines developed in accordance with Section [63M-7-404](#);

2036 (ii) the defendant's history;

2037 (iii) the facts of the case;

2038 (iv) aggravating and mitigating factors; or

2039 (v) any other relevant fact.

2040 (b) The judge may not impose a lesser sentence than would be required for a conviction

2041 based on the defendant's history under Section 41-6a-505.

2042 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and
2043 the provisions for the admissibility of chemical test results as provided by Section 41-6a-516
2044 apply to determination and proof of blood alcohol content under this section.

2045 (d) A calculation of blood or breath alcohol concentration under this section shall be
2046 made in accordance with Subsection 41-6a-502(3).

2047 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
2048 this section is or has been legally entitled to use alcohol or a drug is not a defense.

2049 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
2050 admissible except when prohibited by the Utah Rules of Evidence, the United States
2051 Constitution, or the Utah Constitution.

2052 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
2053 described in this section may not be held in abeyance.

2054 Section 36. Section 78B-14-102 is amended to read:

2055 **78B-14-102. Definitions.**

2056 As used in this chapter:

2057 (1) "Child" means an individual, whether over or under the age of majority, who is or
2058 is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be
2059 the beneficiary of a support order directed to the parent.

2060 (2) "Child support order" means a support order for a child, including a child who has
2061 attained the age of majority under the law of the issuing state or foreign country.

2062 (3) "Convention" means the convention on the International Recovery of Child Support
2063 and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

2064 (4) "Duty of support" means an obligation imposed or imposable by law to provide
2065 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
2066 support.

2067 (5) "Foreign country" means a country, including a political subdivision thereof, other
2068 than the United States, that authorizes the issuance of support orders and:

2069 (a) which has been declared under the law of the United States to be a foreign
2070 reciprocating country;

2071 (b) which has established a reciprocal arrangement for child support with this state as

2072 provided in Section [78B-14-308](#);

2073 (c) which has enacted a law or established procedures for the issuance and enforcement
2074 of support orders which are substantially similar to the procedures under this chapter; or

2075 (d) in which the convention is in force with respect to the United States.

2076 (6) "Foreign support order" means a support order of a foreign tribunal.

2077 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of
2078 a foreign country which is authorized to establish, enforce, or modify support orders or to
2079 determine parentage of a child. The term includes a competent authority under the convention.

2080 (8) "Home state" means the state or foreign country in which a child lived with a parent
2081 or a person acting as parent for at least six consecutive months immediately preceding the time
2082 of filing of a petition or comparable pleading for support and, if a child is less than six months
2083 old, the state or foreign country in which the child lived from birth with any of them. A period
2084 of temporary absence of any of them is counted as part of the six-month or other period.

2085 (9) "Income" includes earnings or other periodic entitlements to money from any
2086 source and any other property subject to withholding for support under the law of this state.

2087 (10) "Income-withholding order" means an order or other legal process directed to an
2088 obligor's employer or other source of income as defined in Section [~~62A-11-103~~] [26B-9-101](#), to
2089 withhold support from the income of the obligor.

2090 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
2091 petition or comparable pleading is forwarded or in which a petition or comparable pleading is
2092 filed for forwarding to another state or foreign country.

2093 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
2094 support order or a judgment determining parentage of a child.

2095 (13) "Issuing state" means the state in which a tribunal issues a support order or a
2096 judgment determining parentage of a child.

2097 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
2098 support order or a judgment determining parentage of a child.

2099 (15) "Law" includes decisional and statutory law and rules and regulations having the
2100 force of law.

2101 (16) "Obligee" means:

2102 (a) an individual to whom a duty of support is or is alleged to be owed or in whose

2103 favor a support order or a judgment determining parentage of a child has been issued;

2104 (b) a foreign country, state, or political subdivision of a state to which the rights under
2105 a duty of support or support order have been assigned or which has independent claims based
2106 on financial assistance provided to an individual obligee in place of child support;

2107 (c) an individual seeking a judgment determining parentage of the individual's child; or

2108 (d) a person who is a creditor in a proceeding under Part 7, Support Proceedings Under
2109 Convention.

2110 (17) "Obligor" means an individual who, or the estate of a decedent that:

2111 (a) owes or is alleged to owe a duty of support;

2112 (b) is alleged but has not been adjudicated to be a parent of a child;

2113 (c) is liable under a support order; or

2114 (d) is a debtor in a proceeding under Part 7, Support Proceedings Under Convention.

2115 (18) "Outside this state" means a location in another state or a country other than the
2116 United States, whether or not the country is a foreign country.

2117 (19) "Person" means an individual, corporation, business trust, estate, trust,
2118 partnership, limited liability company, association, joint venture, government, governmental
2119 subdivision, agency, or instrumentality, public corporation, or any other legal or commercial
2120 entity.

2121 (20) "Record" means information that is inscribed on a tangible medium or that is
2122 stored in an electronic or other medium and is retrievable in perceivable form.

2123 (21) "Register" means to file in a tribunal of this state a support order or judgment
2124 determining parentage of a child issued in another state or a foreign country.

2125 (22) "Registering tribunal" means a tribunal in which a support order or judgment
2126 determining parentage of a child is registered.

2127 (23) "Responding state" means a state in which a petition or comparable pleading for
2128 support or to determine parentage of a child is filed or to which a petition or comparable
2129 pleading is forwarded for filing from another state or a foreign country.

2130 (24) "Responding tribunal" means the authorized tribunal in a responding state or
2131 foreign country.

2132 (25) "Spousal support order" means a support order for a spouse or former spouse of
2133 the obligor.

2134 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
2135 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
2136 of the United States. The term includes an Indian nation or tribe.

2137 (27) "Support enforcement agency" means a public official, governmental entity, or
2138 private agency authorized to:

2139 (a) seek enforcement of support orders or laws relating to the duty of support;

2140 (b) seek establishment or modification of child support;

2141 (c) request determination of parentage of a child;

2142 (d) attempt to locate obligors or their assets; or

2143 (e) request determination of the controlling child support order.

2144 (28) "Support order" means a judgment, decree, order, decision, or directive, whether
2145 temporary, final, or subject to modification, issued in a state or foreign country for the benefit
2146 of a child, a spouse, or a former spouse, which provides for monetary support, health care,
2147 arrearages, retroactive support, or reimbursement for financial assistance provided to an
2148 individual obligee in place of child support. The term may include related costs and fees,
2149 interest, income withholding, automatic adjustment, reasonable attorney fees, and other relief.

2150 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity
2151 authorized to establish, enforce, or modify support orders or to determine parentage of a child.

2152 Section 37. Section **78B-25-114** is amended to read:

2153 **78B-25-114. Savings clause.**

2154 This chapter does not affect a cause of action asserted before May 3, 2023, in a civil
2155 action or a motion under [~~Chapter 6, Part 14, Citizen Participation in Government Act~~] Laws of
2156 Utah 2008, Chapter 3, Sections 1087 and 1088, regarding the cause of action.

2157 Section 38. **Repealer.**

2158 This bill repeals:

2159 Section **11-26-101, Title.**

2160 Section **63A-18-101, Title.**

2161 Section 39. **Effective date.**

2162 This bill takes effect on May 1, 2024.