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**Revisor's Technical Corrections to Utah Code**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson Moss**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE****General Description:**

This bill makes technical corrections to 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  - eliminating or correcting references involving repealed provisions;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; and
- amends the Sunset Act and the Repeal Dates by Title Act to:
  - remove duplicated sections regarding the School Security Task Force; and
  - repeals sunset and repeal dates that have passed and taken effect.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240

**15A-1-304**, as last amended by Laws of Utah 2024, Chapter 431

**17-27a-1204**, as enacted by Laws of Utah 2024, Chapter 431

**17B-2a-602**, as last amended by Laws of Utah 2023, Chapter 15

**17B-2a-1003**, as last amended by Laws of Utah 2023, Chapter 15

**26B-1-213**, as renumbered and amended by Laws of Utah 2022, Chapter 255

**26B-1-410**, as renumbered and amended by Laws of Utah 2023, Chapter 305

**26B-2-101**, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

- 31 **26B-2-120**, as last amended by Laws of Utah 2024, Chapter 234
- 32 **26B-2-309**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 33 **26B-4-245**, as last amended by Laws of Utah 2024, Chapters 217, 240
- 34 **26B-5-331**, as last amended by Laws of Utah 2024, Chapter 299
- 35 **26B-6-201**, as last amended by Laws of Utah 2024, Chapter 364
- 36 **35A-8-302**, as last amended by Laws of Utah 2021, Chapter 339
- 37 **40-11-16**, as last amended by Laws of Utah 2024, Chapter 79
- 38 **53-2a-1102**, as last amended by Laws of Utah 2023, Chapters 34, 471
- 39 **53-2d-101**, as last amended by Laws of Utah 2024, Chapters 147, 438 and 506
- 40 **53E-3-301**, as last amended by Laws of Utah 2019, Chapters 186, 324
- 41 **53G-6-1004**, as last amended by Laws of Utah 2024, Chapter 524
- 42 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
- 43 **59-2-1804**, as last amended by Laws of Utah 2023, Chapter 354
- 44 **59-2-1901**, as last amended by Laws of Utah 2023, Chapters 329, 461
- 45 **59-12-102**, as last amended by Laws of Utah 2024, Chapter 274
- 46 **59-12-702**, as last amended by Laws of Utah 2024, Chapter 270
- 47 **63C-18-203**, as last amended by Laws of Utah 2024, Chapters 245, 250
- 48 **63G-3-503**, as enacted by Laws of Utah 2024, Chapter 178
- 49 **63I-1-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 50 **63I-1-241**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 51 **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 52 **63I-1-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
- 53 **63I-1-267**, as last amended by Laws of Utah 2024, Chapter 385
- 54 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 55 **63I-2-207**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 56 **63I-2-209**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 57 **63I-2-213**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 58 **63I-2-219**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 59 **63I-2-223**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 60 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 61 **63I-2-232**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 62 **63I-2-235**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 63 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 64 **63I-2-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5

65        **63I-2-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
66        **63I-2-259**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
67        **63I-2-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
68        **63I-2-272**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
69        **63I-2-278**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
70        **63I-2-279**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5  
71        **63O-1-101**, as enacted by Laws of Utah 2024, Chapter 425  
72        **65A-5-1**, as last amended by Laws of Utah 2024, Chapter 25  
73        **67-22-2**, as last amended by Laws of Utah 2024, Chapter 522  
74        **73-2-1.6**, as last amended by Laws of Utah 2024, Chapter 154  
75        **73-10-18**, as last amended by Laws of Utah 2024, Chapter 522  
76        **76-5-404.3**, as last amended by Laws of Utah 2024, Chapter 97  
77        **77-11b-104**, as enacted by Laws of Utah 2023, Chapter 448  
78        **77-11c-402**, as renumbered and amended by Laws of Utah 2023, Chapter 448  
79        **77-36-1**, as last amended by Laws of Utah 2024, Chapter 366  
80        **77-40a-303**, as last amended by Laws of Utah 2024, Chapter 180  
81        **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 366  
82        **78B-5-618**, as last amended by Laws of Utah 2024, Chapter 306  
83        **78B-6-501**, as last amended by Laws of Utah 2024, Chapters 25, 350  
84        **78B-7-805**, as last amended by Laws of Utah 2024, Chapter 240  
85        **80-6-601**, as renumbered and amended by Laws of Utah 2021, Chapter 261  
86        **80-7-105**, as renumbered and amended by Laws of Utah 2021, Chapter 261

87 REPEALS:

88        **26-29-2**, as last amended by Laws of Utah 2001, Chapter 73  
89        **26-29-3**, as last amended by Laws of Utah 2022, Chapter 421  
90        **26-29-4**, as last amended by Laws of Utah 2023, Chapter 369

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

93        Section 1. Section **4-41a-1001** is amended to read:

94        **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

95        (1) A person may not:

- 96        (a) operate as a medical cannabis pharmacy without a license that the department issues  
97        under this part;  
98        (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the

- 99 person to exceed the pharmacy ownership limit;
- 100 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the  
101 partial ownership share would cause the person to exceed the pharmacy ownership  
102 limit; or
- 103 (d) enter into any contract or agreement that allows the person to directly or indirectly  
104 control the operations of a medical cannabis pharmacy if the person's control of the  
105 medical cannabis pharmacy would cause the person to effectively exceed the  
106 pharmacy ownership limit.
- 107 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department  
108 shall issue a license to operate a medical cannabis pharmacy through the licensing  
109 board created under Section 4-41a-201.1.
- 110 (ii) The department may not issue a license to operate a medical cannabis pharmacy  
111 to an applicant who is not eligible for a license under this section.
- 112 (b) An applicant is eligible for a license under this section if the applicant submits to the  
113 department:
- 114 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will  
115 operate the medical cannabis pharmacy;
- 116 (ii) the name and address of an individual who:
- 117 (A) for a publicly traded company, has a financial or voting interest of 10% or  
118 greater in the proposed medical cannabis pharmacy;
- 119 (B) for a privately held company, a financial or voting interest in the proposed  
120 medical cannabis pharmacy; or
- 121 (C) has the power to direct or cause the management or control of a proposed  
122 medical cannabis pharmacy;
- 123 (iii) for each application that the applicant submits to the department, a statement  
124 from the applicant that the applicant will obtain and maintain:
- 125 (A) a performance bond in the amount of \$100,000 issued by a surety authorized  
126 to transact surety business in the state; or
- 127 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
- 128 (iv) an operating plan that:
- 129 (A) complies with Section 4-41a-1004;
- 130 (B) includes operating procedures to comply with the operating requirements for a  
131 medical cannabis pharmacy described in this part and with a relevant municipal  
132 or county law that is consistent with Section 4-41a-1106; and

- 133 (C) the department approves;
- 134 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the  
135 department sets in accordance with Section 63J-1-504; and
- 136 (vi) a description of any investigation or adverse action taken by any licensing  
137 jurisdiction, government agency, law enforcement agency, or court in any state for  
138 any violation or detrimental conduct in relation to any of the applicant's  
139 cannabis-related operations or businesses.
- 140 (c)(i) A person may not locate a medical cannabis pharmacy:
- 141 (A) within 200 feet of a community location; or
- 142 (B) in or within 600 feet of a district that the relevant municipality or county has  
143 zoned as primarily residential.
- 144 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured  
145 from the nearest entrance to the medical cannabis pharmacy establishment by  
146 following the shortest route of ordinary pedestrian travel to the property boundary  
147 of the community location or residential area.
- 148 (iii) The department may grant a waiver to reduce the proximity requirements in  
149 Subsection (2)(c)(i) by up to 20% if the department determines that it is not  
150 reasonably feasible for the applicant to [eite] site the proposed medical cannabis  
151 pharmacy without the waiver.
- 152 (iv) An applicant for a license under this section shall provide evidence of  
153 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 154 (d) The department may not issue a license to an eligible applicant that the department  
155 has selected to receive a license until the selected eligible applicant complies with the  
156 bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 157 (e) If the department receives more than one application for a medical cannabis  
158 pharmacy within the same city or town, the department shall consult with the local  
159 land use authority before approving any of the applications pertaining to that city or  
160 town.
- 161 (f) In considering the issuance of a medical cannabis pharmacy license under this  
162 section, the department may consider the extent to which the pharmacy can increase  
163 efficiency and reduce cost to patients of medical cannabis.
- 164 (3) If the department selects an applicant for a medical cannabis pharmacy license under  
165 this section, the department shall:
- 166 (a) charge the applicant an initial license fee in an amount that, subject to Subsection

- 167 4-41a-104(5), the department sets in accordance with Section 63J-1-504;
- 168 (b) notify the Department of Public Safety of the license approval and the names of each  
169 individual described in Subsection (2)(b)(ii); and
- 170 (c) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the  
171 department sets in accordance with Section 63J-1-504, for any change in location,  
172 ownership, or company structure.
- 173 (4) The department may not issue a license to operate a medical cannabis pharmacy to an  
174 applicant if an individual described in Subsection (2)(b)(ii):
- 175 (a) has been convicted under state or federal law of:
- 176 (i) a felony in the preceding 10 years; or  
177 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 178 (b) is younger than 21 years old; or  
179 (c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.
- 180 (5)(a) If an applicant for a medical cannabis pharmacy license under this section holds  
181 another license under this chapter, the department may not give preference to the  
182 applicant based on the applicant's status as a holder of the license.
- 183 (b) If an applicant for a medical cannabis pharmacy license under this section holds a  
184 license to operate a cannabis cultivation facility under this section, the department  
185 may give consideration to the applicant's status as a holder of the license if:
- 186 (i) the applicant demonstrates that a decrease in costs to patients is more likely to  
187 result from the applicant's vertical integration than from a more competitive  
188 marketplace; and  
189 (ii) the department finds multiple other factors, in addition to the existing license, that  
190 support granting the new license.
- 191 (6) The licensing board may revoke a license under this part:
- 192 (a) if the medical cannabis pharmacy does not begin operations within one year after the  
193 day on which the department issues an announcement of the department's intent to  
194 award a license to the medical cannabis pharmacy;
- 195 (b) after the third the same violation of this chapter in any of the licensee's licensed  
196 cannabis production establishments or medical cannabis pharmacies;
- 197 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is  
198 active, under state or federal law of:
- 199 (i) a felony; or  
200 (ii) after December 3, 2018, a misdemeanor for drug distribution;

- 201 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at  
202 the time of application, or fails to supplement the information described in  
203 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the  
204 submission of the application within 14 calendar days after the licensee receives  
205 notice of the investigation or adverse action;
- 206 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the  
207 requirements of this chapter or the rules the department makes in accordance with  
208 this chapter;
- 209 (f) if, after a change of ownership described in Subsection (11)(c), the department  
210 determines that the medical cannabis pharmacy no longer meets the minimum  
211 standards for licensure and operation of the medical cannabis pharmacy described in  
212 this chapter; or
- 213 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in  
214 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board  
215 finds that the licensee has participated in anticompetitive business practices.
- 216 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if  
217 the municipality or county where the licensed medical cannabis pharmacy will be  
218 located requires a local land use permit, shall submit to the department a copy of the  
219 licensee's approved application for the land use permit within 120 days after the day  
220 on which the department issues the license.
- 221 (b) If a licensee fails to submit to the department a copy the licensee's approved land use  
222 permit application in accordance with Subsection (7)(a), the department may revoke  
223 the licensee's license.
- 224 (8) The department shall deposit the proceeds of a fee imposed by this section into the  
225 Qualified Production Enterprise Fund.
- 226 (9) The department shall begin accepting applications under this part on or before March 1,  
227 2020.
- 228 (10)(a) The department's authority to issue a license under this section is plenary and is  
229 not subject to review.
- 230 (b) Notwithstanding Subsection (2), the decision of the department to award a license to  
231 an applicant is not subject to:
- 232 (i) Title 63G, Chapter 6a, Part 16, Protests; or  
233 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 234 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.

- 235 (b) A medical cannabis pharmacy shall report in writing to the department no later than  
236 10 business days before the date of any change of ownership of the medical cannabis  
237 pharmacy.
- 238 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 239 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis  
240 pharmacy shall submit a new application described in Subsection (2)(b), subject to  
241 Subsection (2)(c);
- 242 (ii) within 30 days of the submission of the application, the department shall:
- 243 (A) conduct an application review; and
- 244 (B) award a license to the medical cannabis pharmacy for the remainder of the  
245 term of the medical cannabis pharmacy's license before the ownership change  
246 if the medical cannabis pharmacy meets the minimum standards for licensure  
247 and operation of the medical cannabis pharmacy described in this chapter; and
- 248 (iii) if the department approves the license application, notwithstanding Subsection  
249 (3), the medical cannabis pharmacy shall pay a license fee that the department sets  
250 in accordance with Section 63J-1-504 in an amount that covers the department's  
251 cost of conducting the application review.

252 Section 2. Section **15A-1-304** is amended to read:

253 **15A-1-304 . Modular units.**

254 Modular unit construction, installation, issuance of permits for construction or  
255 installation, and setup shall be in accordance with the following:

- 256 (1) Construction, installation, and setup of a modular unit, module, or panelized system  
257 shall be in accordance with the State Construction Code.
- 258 (2) A local regulator has the responsibility and exclusive authority to:
- 259 (a) review and approve the elements of construction documents related to onsite  
260 construction;
- 261 (b) issue a permit for construction of a modular building unit or a modular building unit  
262 site modification;
- 263 (c) perform an inspection of onsite construction of a modular building unit or modular  
264 building unit site modification;
- 265 (d) verify that a module or panelized system is installed in accordance with:
- 266 (i) the modular unit's construction documents;
- 267 (ii) the State Construction Code; and
- 268 (iii) applicable state and local requirements;



- 269 (e) verify that a decal has been permanently affixed to a modular building unit;
- 270 (f) subject to Subsection (3), establish and assess fees related to the construction and  
271 installation of modular units;
- 272 (g) upon discovery of visible damage to a module or panelized system, or discovery of  
273 evidence that would cause a reasonable inspector to believe that a modular building  
274 unit may not be in compliance with the State Construction Code or construction  
275 documents:
- 276 (i) inform the Division of Facilities Construction and Management; and  
277 (ii) proceed in accordance with the guidance in Modular Building Institute Standards  
278 1200 and 1205;
- 279 (h) approve any proposed alteration or change to a set of construction documents so long  
280 as the alteration or change complies with the requirements of this chapter;
- 281 (i) inspect any alteration to a modular unit or panelized system that occurred after  
282 installation;
- 283 (j) notwithstanding any other provision of state law, the construction code and standards,  
284 agency rule, or local ordinance:
- 285 (i) prevent the use or occupancy of a modular building unit that, in the opinion of the  
286 local regulator, contains a serious defect or presents an imminent safety hazard;  
287 and
- 288 (ii) report the prevention of use or occupancy of a modular building unit to the  
289 Division of Facilities Construction and Management and the division; and
- 290 (k) perform all other duties and responsibilities set forth in the Modular Building  
291 Institute Standards 1200 and 1205 not otherwise listed in this section.
- 292 (3) Fees related to the construction and installation of modular building units may include  
293 building permit fees, inspection fees, impact fees, and administrative fees.
- 294 (4)(a) In addition to any immunity and protections set forth in the Utah Governmental  
295 Immunity Act, a municipality [~~shall not be~~] is not liable for a claim arising solely  
296 from the offsite construction of a module, panelized system, or modular building unit.
- 297 (b) A local regulator may provide written notice with the certificate of occupancy that  
298 explains the municipality's limitations of liability pursuant to this section and the  
299 Utah Governmental Immunity Act.
- 300 (5) An inspection of the construction, modification of, or setup of a modular unit shall  
301 conform with this chapter.
- 302 (6) A local regulator has the responsibility to issue an approval for the political subdivision

303 in which a modular unit is to be setup or is setup.

304 (7) Nothing in this section precludes:

305 (a) a local regulator from contracting with a qualified third party to act as its designee  
306 for the inspection or plan review provided in this section; or

307 (b) the state from entering into an interstate compact for third party inspection of the  
308 construction of a modular unit.

309 Section 3. Section **17-27a-1204** is amended to read:

310 **17-27a-1204 . Notification prior to creation of a home ownership promotion zone.**

311 (1)(a) As used in this section, "hearing" means a public meeting in which the legislative  
312 body of a county:

313 (i) considers a resolution creating a home ownership promotion zone; and

314 (ii) takes public comment on a proposed home ownership promotion zone.

315 (b) A hearing under this section may be combined with any other public meeting of a  
316 legislative body of a county.

317 (2) Before a county creates a home ownership promotion zone as described in Section [  
318 ~~17-27a-1002~~] 17-27a-1202, it shall provide notice of a hearing as described in this  
319 section.

320 (3) The notice required by Subsection (2) shall be given by:

321 (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at  
322 least 14 days before the day on which the legislative body of the county intends to  
323 have a hearing;

324 (b) at least 30 days before the hearing, mailing notice to:

325 (i) each record owner of property located within the proposed home ownership  
326 promotion zone;

327 (ii) the State Tax Commission; and

328 (iii)(A) if the proposed home ownership promotion zone is subject to a taxing  
329 entity committee, each member of the taxing entity committee and the State  
330 Board of Education; or

331 (B) if the proposed home ownership promotion zone is not subject to a taxing  
332 entity committee, the legislative body or governing board of each taxing entity  
333 within the boundaries of the proposed home ownership promotion zone.

334 (4) The mailing of the notice to record property owners required under Subsection (3)(b)  
335 shall be conclusively considered to have been properly completed if:

336 (a) the county mails the notice to the property owners as shown in the records, including

337 an electronic database, of the county recorder's office and at the addresses shown in  
 338 those records; and

339 (b) the county recorder's office records used by the agency in identifying owners to  
 340 whom the notice is mailed and their addresses were obtained or accessed from the  
 341 county recorder's office no earlier than 30 days before the mailing.

342 (5) The county shall include in each notice required under this section:

343 (a)(i) a boundary description of the proposed home ownership promotion zone; or  
 344 (ii)(A) a mailing address or telephone number where a person may request that a  
 345 copy of the boundary description of the proposed home ownership promotion  
 346 zone be sent at no cost to the person by mail, email, or facsimile transmission;  
 347 and

348 (B) if the agency or community has an Internet website, an Internet address where  
 349 a person may gain access to an electronic, printable copy of the boundary  
 350 description of the proposed home ownership promotion zone;

351 (b) a map of the boundaries of the proposed home ownership promotion zone;

352 (c) an explanation of the purpose of the hearing; and

353 (d) a statement of the date, time, and location of the hearing.

354 (6) The county shall include in each notice under Subsection (3)(b):

355 (a) a statement that property tax revenue resulting from an increase in valuation of  
 356 property within the proposed home ownership promotion zone will be paid to the  
 357 county for proposed home ownership promotion zone development rather than to the  
 358 taxing entity to which the tax revenue would otherwise have been paid; and

359 (b) an invitation to the recipient of the notice to submit to the county comments  
 360 concerning the subject matter of the hearing before the date of the hearing.

361 (7) A county may include in a notice under Subsection (2) any other information the county  
 362 considers necessary or advisable, including the public purpose achieved by the proposed  
 363 home ownership promotion zone.

364 Section 4. Section **17B-2a-602** is amended to read:

365 **17B-2a-602 . Provisions applicable to metropolitan water districts.**

366 (1) Each metropolitan water district is governed by and has the powers stated in:

367 (a) this part; and

368 (b) Chapter 1, Provisions Applicable to All Special Districts.

369 (2) This part applies only to metropolitan water districts.

370 (3) A metropolitan water district is not subject to the provisions of any other part of this

371 chapter.

372 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
373 Special Districts, and a provision in this part, the provision in this part governs.

374 [~~(5) Before September 30, 2019, a metropolitan water district shall submit a written report  
375 to the Revenue and Taxation Interim Committee that describes, for the metropolitan  
376 water district's fiscal year that ended in 2018, the percentage and amount of revenue in  
377 the metropolitan water district from:]~~

378 [~~(a) property taxes;~~]

379 [~~(b) water rates; and~~]

380 [~~(c) all other sources.~~]

381 Section 5. Section **17B-2a-1003** is amended to read:

382 **17B-2a-1003 . Provisions applicable to water conservancy districts.**

383 (1) Each water conservancy district is governed by and has the powers stated in:

384 (a) this part; and

385 (b) Chapter 1, Provisions Applicable to All Special Districts.

386 (2) This part applies only to water conservancy districts.

387 (3) A water conservancy district is not subject to the provisions of any other part of this  
388 chapter.

389 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
390 Special Districts, and a provision in this part, the provision in this part governs.

391 [~~(5) Before September 30, 2019, a water conservancy district shall submit a written report  
392 to the Revenue and Taxation Interim Committee that describes, for the water  
393 conservancy district's fiscal year that ended in 2018, the percentage and amount of  
394 revenue in the water conservancy district from:]~~

395 [~~(a) property taxes;~~]

396 [~~(b) water rates; and~~]

397 [~~(c) all other sources.~~]

398 Section 6. Section **26B-1-213** is amended to read:

399 **26B-1-213 . Department and committee rules and proceedings.**

400 (1)(a) Except in areas [-]subject to concurrence between the department and a committee  
401 created under this title[~~-, Title 26, Utah Health Code, or Title 62A, Utah Human  
402 Services Code~~], the department shall have the power to adopt, amend, or rescind  
403 rules necessary to carry out the provisions of this title.

404 (b) If the adoption of rules under a provision of this title is subject to concurrence

- 405 between the department and a committee created under this title and no concurrence  
406 can be reached, the department has final authority to adopt, amend, or rescind rules  
407 necessary to carry out the provisions of this title.
- 408 (c) When the provisions of this title require concurrence between the department and a  
409 committee created under this title:
- 410 (i) the department shall report to and update the committee on a regular basis related  
411 to matters requiring concurrence; and
- 412 (ii) the committee shall review the report submitted by the department under this  
413 Subsection (1)(c) and shall:
- 414 (A) concur with the report; or
- 415 (B) provide a reason for not concurring with the report and provide an alternative  
416 recommendation to the department.
- 417 (2) Rules shall have the force and effect of law and may deal with matters which materially  
418 affect the security of health or the preservation and improvement of public health in the  
419 state, and any matters as to which jurisdiction is conferred upon the department by this  
420 title.
- 421 (3) Every rule adopted by the department, or [-]by the concurrence of the department and a  
422 committee established under Section 26B-1-204, is subject to Title 63G, Chapter 3, Utah  
423 Administrative Rulemaking Act, and is effective at the time and in the manner provided  
424 in that act.
- 425 (4) If, at the next general session of the Legislature following the filing of a rule with the  
426 legislative research director, the Legislature passes a bill disapproving such rule, the rule  
427 shall be null and void.
- 428 (5) The department, or the department in concurrence with a committee created under  
429 Section 26B-1-204, may not adopt a rule identical to a rule disapproved under  
430 Subsection (4) of this section before the beginning of the next general session of the  
431 Legislature following the general session at which the rule was disapproved.
- 432 (6) The department and all committees, boards, divisions, and offices created under this title[-;  
433 ~~Title 26, Utah Health Code, or Title 62A, Utah Human Services Code,~~] shall comply  
434 with the procedures and requirements of Title 63G, Chapter 4, Administrative  
435 Procedures Act, in any adjudicative proceedings.
- 436 (7)(a) The department may hold hearings, administer oaths, subpoena witnesses, and  
437 take testimony in matters relating to the exercise and performance of the powers and  
438 duties vested in or imposed upon the department.

439 (b) The department may, at the department's sole discretion, contract with any other  
440 agency or department of the state to conduct hearings in the name of the department.

441 Section 7. Section **26B-1-410** is amended to read:

442 **26B-1-410 . Primary Care Grant Committee.**

443 (1) As used in this section:

444 (a) "Committee" means the Primary Care Grant Committee created in Subsection (2).

445 (b) "Program" means the Primary Care Grant Program described in Sections 26B-4-310  
446 and 26B-4-313.

447 (2) There is created the Primary Care Grant Committee.

448 (3) The committee shall:

449 (a) review grant applications forwarded to the committee by the department under  
450 Subsection 26B-4-312(1);

451 (b) recommend, to the executive director, grant applications to award under Subsection  
452 26B-4-310(1);

453 (c) evaluate:

454 (i) the need for primary health care as defined in Section [~~26B-4-325~~] 26B-4-301 in  
455 different areas of the state;

456 (ii) how the program is addressing those needs; and

457 (iii) the overall effectiveness and efficiency of the program;

458 (d) review annual reports from primary care grant recipients;

459 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by  
460 a majority of committee members; and

461 (f) make rules, with the concurrence of the department, in accordance with Title 63G,  
462 Chapter 3, Utah Administrative Rulemaking Act, that govern the committee,  
463 including the committee's grant selection criteria.

464 (4) The committee shall consist of:

465 (a) as chair, the executive director or an individual designated by the executive director;  
466 and

467 (b) six members appointed by the governor to serve up to two consecutive, two-year  
468 terms of office, including:

469 (i) four licensed health care professionals; and

470 (ii) two community advocates who are familiar with a medically underserved  
471 population as defined in Section [~~26B-4-325~~] 26B-4-301 and with health care  
472 systems, where at least one is familiar with a rural medically underserved

473 population.

474 (5) The executive director may remove a committee member:

475 (a) if the member is unable or unwilling to carry out the member's assigned

476 responsibilities; or

477 (b) for a rational reason.

478 (6) A committee member may not receive compensation or benefits for the member's  
479 service, except a committee member who is not an employee of the department may  
480 receive per diem and travel expenses in accordance with:

481 (a) Section 63A-3-106;

482 (b) Section 63A-3-107; and

483 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
484 63A-3-107.

485 Section 8. Section **26B-2-101** is amended to read:

486 **26B-2-101 . Definitions.**

487 As used in this part:

488 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.

489 (2) "Adult day care" means nonresidential care and supervision:

490 (a) for three or more adults for at least four but less than 24 hours a day; and

491 (b) that meets the needs of functionally impaired adults through a comprehensive  
492 program that provides a variety of health, social, recreational, and related support  
493 services in a protective setting.

494 (3) "Applicant" means a person that applies for an initial license or a license renewal under  
495 this part.

496 (4)(a) "Associated with the licensee" means that an individual is:

497 (i) affiliated with a licensee as an owner, director, member of the governing body,  
498 employee, agent, provider of care, department contractor, or volunteer; or

499 (ii) applying to become affiliated with a licensee in a capacity described in  
500 Subsection (4)(a)(i).

501 (b) "Associated with the licensee" does not include:

502 (i) service on the following bodies, unless that service includes direct access to a  
503 child or a vulnerable adult:

504 (A) a local mental health authority described in Section 17-43-301;

505 (B) a local substance abuse authority described in Section 17-43-201; or

506 (C) a board of an organization operating under a contract to provide mental health

- 507 or substance use programs, or services for the local mental health authority or  
508 substance abuse authority; or
- 509 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly  
510 supervised at all times.
- 511 (5)(a) "Boarding school" means a private school that:
- 512 (i) uses a regionally accredited education program;
- 513 (ii) provides a residence to the school's students:
- 514 (A) for the purpose of enabling the school's students to attend classes at the  
515 school; and
- 516 (B) as an ancillary service to educating the students at the school;
- 517 (iii) has the primary purpose of providing the school's students with an education, as  
518 defined in Subsection (5)(b)(i); and
- 519 (iv)(A) does not provide the treatment or services described in Subsection (40)(a);  
520 or
- 521 (B) provides the treatment or services described in Subsection (40)(a) on a limited  
522 basis, as described in Subsection (5)(b)(ii).
- 523 (b)(i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for  
524 one or more grades from kindergarten through grade 12.
- 525 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment  
526 or services described in Subsection (40)(a) on a limited basis if:
- 527 (A) the treatment or services described in Subsection (40)(a) are provided only as  
528 an incidental service to a student; and
- 529 (B) the school does not:
- 530 (I) specifically solicit a student for the purpose of providing the treatment or  
531 services described in Subsection (40)(a); or
- 532 (II) have a primary purpose of providing the treatment or services described in  
533 Subsection (40)(a).
- 534 (c) "Boarding school" does not include a therapeutic school.
- 535 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 536 (7) "Child" means an individual under 18 years old.
- 537 (8) "Child placing" means receiving, accepting, or providing custody or care for any child,  
538 temporarily or permanently, for the purpose of:
- 539 (a) finding a person to adopt the child;
- 540 (b) placing the child in a home for adoption; or



- 541 (c) foster home placement.
- 542 (9) "Child-placing agency" means a person that engages in child placing.
- 543 (10) "Client" means an individual who receives or has received services from a licensee.
- 544 (11)(a) "Congregate care program" means any of the following that provide services to a  
545 child:
- 546 (i) an outdoor youth program;
- 547 (ii) a residential support program;
- 548 (iii) a residential treatment program; or
- 549 (iv) a therapeutic school.
- 550 (b) "Congregate care program" does not include a human services program that:
- 551 (i) is licensed to serve adults; and
- 552 (ii) is approved by the office to service a child for a limited time.
- 553 (12) "Day treatment" means specialized treatment that is provided to:
- 554 (a) a client less than 24 hours a day; and
- 555 (b) four or more persons who:
- 556 (i) are unrelated to the owner or provider; and
- 557 (ii) have emotional, psychological, developmental, physical, or behavioral  
558 dysfunctions, impairments, or chemical dependencies.
- 559 (13) "Department contractor" means an individual who:
- 560 (a) provides services under a contract with the department; and
- 561 (b) due to the contract with the department, has or will likely have direct access to a  
562 child or vulnerable adult.
- 563 (14) "Direct access" means that an individual has, or likely will have:
- 564 (a) contact with or access to a child or vulnerable adult that provides the individual with  
565 an opportunity for personal communication or touch; or
- 566 (b) an opportunity to view medical, financial, or other confidential personal identifying  
567 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 568 (15) "Directly supervised" means that an individual is being supervised under the  
569 uninterrupted visual and auditory surveillance of another individual who has a current  
570 background check approval issued by the office.
- 571 (16) "Director" means the director of the office.
- 572 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 573 (18) "Domestic violence treatment program" means a nonresidential program designed to  
574 provide psychological treatment and educational services to perpetrators and victims of

- 575 domestic violence.
- 576 (19) "Elder adult" means a person 65 years old or older.
- 577 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from  
578 being physically injured, utilized by an appropriately trained direct care staff and only  
579 performed in accordance with a nationally or regionally recognized curriculum in the  
580 least restrictive manner to restore staff or client safety.
- 581 (21) "Foster home" means a residence that is licensed or certified by the office for the  
582 full-time substitute care of a child.
- 583 [~~(22)~~ "Health benefit plan" means the same as that term is defined in Section 31A-22-634.]
- 584 [~~(23)~~ (22) "Health care provider" means the same as that term is defined in Section  
585 78B-3-403.
- 586 [~~(24)~~ "Health insurer" means the same as that term is defined in Section 31A-22-615.5.]
- 587 [~~(25)~~ (23)(a) "Human services program" means:
- 588 (i) a foster home;
- 589 (ii) a therapeutic school;
- 590 (iii) a youth program;
- 591 (iv) an outdoor youth program;
- 592 (v) a residential treatment program;
- 593 (vi) a residential support program;
- 594 (vii) a resource family home;
- 595 (viii) a recovery residence; or
- 596 (ix) a facility or program that provides:
- 597 (A) adult day care;
- 598 (B) day treatment;
- 599 (C) outpatient treatment;
- 600 (D) domestic violence treatment;
- 601 (E) child-placing services;
- 602 (F) social detoxification; or
- 603 (G) any other human services that are required by contract with the department to  
604 be licensed with the department.
- 605 (b) "Human services program" does not include:
- 606 (i) a boarding school;
- 607 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102;
- 608 or

- 609 (iii) a short-term relief care provider.
- 610 [~~(26)~~] (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 611 [~~(27)~~] (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 612 [~~(28)~~] (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 613 [~~(29)~~] (27) "Intermediate secure treatment" means 24-hour specialized residential treatment
- 614 or care for an individual who:
- 615 (a) cannot live independently or in a less restrictive environment; and
- 616 (b) requires, without the individual's consent or control, the use of locked doors to care
- 617 for the individual.
- 618 [~~(30)~~] (28) "Licensee" means an individual or a human services program licensed by the
- 619 office.
- 620 [~~(31)~~] (29) "Local government" means a city, town, or county.
- 621 [~~(32)~~] (30) "Minor" means child.
- 622 [~~(33)~~] (31) "Office" means the Office of Licensing within the department.
- 623 [~~(34)~~] (32) "Outdoor youth program" means a program that provides:
- 624 (a) services to a child that has:
- 625 (i) a chemical dependency; or
- 626 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 627 physical, or behavioral;
- 628 (b) a 24-hour outdoor group living environment; and
- 629 (c)(i) regular therapy, including group, individual, or supportive family therapy; or
- 630 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 631 therapy, or outdoor behavioral healthcare.
- 632 [~~(35)~~] (33) "Outpatient treatment" means individual, family, or group therapy or counseling
- 633 designed to improve and enhance social or psychological functioning for those whose
- 634 physical and emotional status allows them to continue functioning in their usual living
- 635 environment.
- 636 [~~(36)~~] (34) "Practice group" or "group practice" means two or more health care providers
- 637 legally organized as a partnership, professional corporation, or similar association, for
- 638 which:
- 639 (a) substantially all of the services of the health care providers who are members of the
- 640 group are provided through the group and are billed in the name of the group and
- 641 amounts received are treated as receipts of the group; and
- 642 (b) the overhead expenses of and the income from the practice are distributed in

643 accordance with methods previously determined by members of the group.

644 [(37)] (35) "Private-placement child" means a child whose parent or guardian enters into a  
645 contract with a congregate care program for the child to receive services.

646 [(38)] (36)(a) "Recovery residence" means a home, residence, or facility that meets at  
647 least two of the following requirements:

648 (i) provides a supervised living environment for individuals recovering from a  
649 substance use disorder;

650 (ii) provides a living environment in which more than half of the individuals in the  
651 residence are recovering from a substance use disorder;

652 (iii) provides or arranges for residents to receive services related to the resident's  
653 recovery from a substance use disorder, either on or off site;

654 (iv) is held out as a living environment in which individuals recovering from  
655 substance abuse disorders live together to encourage continued sobriety; or

656 (v)(A) receives public funding; or

657 (B) is run as a business venture, either for-profit or not-for-profit.

658 (b) "Recovery residence" does not mean:

659 (i) a residential treatment program;

660 (ii) residential support program; or

661 (iii) a home, residence, or facility, in which:

662 (A) residents, by a majority vote of the residents, establish, implement, and  
663 enforce policies governing the living environment, including the manner in  
664 which applications for residence are approved and the manner in which  
665 residents are expelled;

666 (B) residents equitably share rent and housing-related expenses; and

667 (C) a landlord, owner, or operator does not receive compensation, other than fair  
668 market rental income, for establishing, implementing, or enforcing policies  
669 governing the living environment.

670 [(39)] (37) "Regular business hours" means:

671 (a) the hours during which services of any kind are provided to a client; or

672 (b) the hours during which a client is present at the facility of a licensee.

673 [(40)] (38)(a) "Residential support program" means a program that arranges for or

674 provides the necessities of life as a protective service to individuals or families who  
675 have a disability or who are experiencing a dislocation or emergency that prevents  
676 them from providing these services for themselves or their families.

- 677 (b) "Residential support program" includes a program that provides a supervised living  
 678 environment for individuals with dysfunctions or impairments that are:
- 679 (i) emotional;
  - 680 (ii) psychological;
  - 681 (iii) developmental; or
  - 682 (iv) behavioral.
- 683 (c) Treatment is not a necessary component of a residential support program.
- 684 (d) "Residential support program" does not include:
- 685 (i) a recovery residence; or
  - 686 (ii) a program that provides residential services that are performed:
    - 687 (A) exclusively under contract with the department and provided to individuals
    - 688 through the Division of Services for People with Disabilities; or
    - 689 (B) in a facility that serves fewer than four individuals.
- 690 ~~[(41)]~~ (39)(a) "Residential treatment" means a 24-hour group living environment for four  
 691 or more individuals unrelated to the owner or provider that offers room or board and  
 692 specialized treatment, behavior modification, rehabilitation, discipline, emotional  
 693 growth, or habilitation services for persons with emotional, psychological,  
 694 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
- 695 (b) "Residential treatment" does not include a:
- 696 (i) boarding school;
  - 697 (ii) foster home; or
  - 698 (iii) recovery residence.
- 699 ~~[(42)]~~ (40) "Residential treatment program" means a program or facility that provides:
- 700 (a) residential treatment; or
  - 701 (b) intermediate secure treatment.
- 702 ~~[(43)]~~ (41) "Seclusion" means the involuntary confinement of an individual in a room or an  
 703 area:
- 704 (a) away from the individual's peers; and
  - 705 (b) in a manner that physically prevents the individual from leaving the room or area.
- 706 ~~[(44)]~~ (42) "Short-term relief care provider" means an individual who:
- 707 (a) provides short-term and temporary relief care to a foster parent:
    - 708 (i) for less than six consecutive nights; and
    - 709 (ii) in the short-term relief care provider's home;
  - 710 (b) is an immediate family member or relative, as those terms are defined in Section

- 711 80-3-102, of the foster parent;
- 712 (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- 713 (d) has been approved to provide short-term relief care by the department;
- 714 (e) is not reimbursed by the department for the temporary relief care provided; and
- 715 (f) is not an immediate family member or relative, as those terms are defined in Section
- 716 80-3-102, of the foster child.
- 717 ~~[(45)]~~ (43) "Social detoxification" means short-term residential services for persons who are
- 718 experiencing or have recently experienced drug or alcohol intoxication, that are provided
- 719 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
- 720 Inspection, and that include:
- 721 (a) room and board for persons who are unrelated to the owner or manager of the facility;
- 722 (b) specialized rehabilitation to acquire sobriety; and
- 723 (c) aftercare services.
- 724 ~~[(46)]~~ (44) "Substance abuse disorder" or "substance use disorder" mean the same as
- 725 "substance use disorder" is defined in Section 26B-5-501.
- 726 ~~[(47)]~~ (45) "Substance abuse treatment program" or "substance use disorder treatment
- 727 program" means a program:
- 728 (a) designed to provide:
- 729 (i) specialized drug or alcohol treatment;
- 730 (ii) rehabilitation; or
- 731 (iii) habilitation services; and
- 732 (b) that provides the treatment or services described in Subsection (47)(a) to persons
- 733 with:
- 734 (i) a diagnosed substance use disorder; or
- 735 (ii) chemical dependency disorder.
- 736 ~~[(48)]~~ (46) "Therapeutic school" means a residential group living facility:
- 737 (a) for four or more individuals that are not related to:
- 738 (i) the owner of the facility; or
- 739 (ii) the primary service provider of the facility;
- 740 (b) that serves students who have a history of failing to function:
- 741 (i) at home;
- 742 (ii) in a public school; or
- 743 (iii) in a nonresidential private school; and
- 744 (c) that offers:

- 745 (i) room and board; and
- 746 (ii) an academic education integrated with:
- 747 (A) specialized structure and supervision; or
- 748 (B) services or treatment related to:
- 749 (I) a disability;
- 750 (II) emotional development;
- 751 (III) behavioral development;
- 752 (IV) familial development; or
- 753 (V) social development.
- 754 [~~(49)~~] (47) "Unrelated persons" means persons other than parents, legal guardians,
- 755 grandparents, brothers, sisters, uncles, or aunts.
- 756 [~~(50)~~] (48) "Vulnerable adult" means an elder adult or an adult who has a temporary or
- 757 permanent mental or physical impairment that substantially affects the person's ability to:
- 758 (a) provide personal protection;
- 759 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 760 (c) obtain services necessary for health, safety, or welfare;
- 761 (d) carry out the activities of daily living;
- 762 (e) manage the adult's own resources; or
- 763 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 764 neglect, or exploitation.
- 765 [~~(51)~~] (49)(a) "Youth program" means a program designed to provide behavioral,
- 766 substance use, or mental health services to minors that:
- 767 (i) serves adjudicated or nonadjudicated youth;
- 768 (ii) charges a fee for the program's services;
- 769 (iii) may provide host homes or other arrangements for overnight accommodation of
- 770 the youth;
- 771 (iv) may provide all or part of the program's services in the outdoors;
- 772 (v) may limit or censor access to parents or guardians; and
- 773 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
- 774 minor's own free will.
- 775 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
- 776 Scouts, 4-H, and other such organizations.
- 777 [~~(52)~~] (50)(a) "Youth transportation company" means any person that transports a child
- 778 for payment to or from a congregate care program in Utah.

- 779 (b) "Youth transportation company" does not include:  
 780 (i) a relative of the child;  
 781 (ii) a state agency; or  
 782 (iii) a congregate care program's employee who transports the child from the  
 783 congregate care program that employs the employee and returns the child to the  
 784 same congregate care program.

785 Section 9. Section **26B-2-120** is amended to read:

786 **26B-2-120 . Background check -- Direct access to children or vulnerable adults.**

787 (1) As used in this section:

- 788 (a)(i) "Applicant" means an individual who is associated with a certification,  
 789 contract, or licensee with the department under this part and has direct access,  
 790 including:
- 791 (A) an adoptive parent or prospective adoptive parent, including an applicant for  
 792 an adoption in accordance with Section 78B-6-128;
  - 793 (B) a foster parent or prospective foster parent;
  - 794 (C) an individual who provides respite care to a foster parent or an adoptive parent  
 795 on more than one occasion;
  - 796 (D) an individual who transports a child for a youth transportation company;
  - 797 (E) an individual who provides certified peer support, as defined in Section  
 798 26B-5-610;
  - 799 (F) an individual who provides peer supports, has a disability or a family member  
 800 with a disability, or is in recovery from a mental illness or a substance use  
 801 disorder;
  - 802 (G) an individual who has lived experience with the services provided by the  
 803 department, and uses that lived experience to provide support, guidance, or  
 804 services to promote resiliency and recovery;
  - 805 (H) an individual who is identified as a mental health professional, licensed under  
 806 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in  
 807 the practice of mental health therapy, as defined in Section 58-60-102;
  - 808 (I) an individual, other than the child or vulnerable adult receiving the service,  
 809 who is 12 years old or older and resides in a home, that is licensed or certified  
 810 by the division;
  - 811 (J) an individual who is 12 years old or older and is associated with a certification,  
 812 contract, or licensee with the department under this part and has or will likely



- 813                    have direct access;
- 814                    (K) a foster home licensee that submits an application for an annual background
- 815                    screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 816                    (L) a short-term relief care provider.
- 817                    (ii) "Applicant" does not include:
- 818                    (A) an individual who is in the custody of the Division of Child and Family
- 819                    Services or the Division of Juvenile Justice and Youth Services;
- 820                    (B) an individual who applies for employment with, or is employed by, the
- 821                    Department of Health and Human Services;
- 822                    (C) a parent of a person receiving services from the Division of Services for
- 823                    People with Disabilities, if the parent provides direct care to and resides with
- 824                    the person, including if the parent provides direct care to and resides with the
- 825                    person pursuant to a court order; or
- 826                    (D) an individual or a department contractor who provides services in an adults
- 827                    only substance use disorder program, as defined by rule adopted by the
- 828                    Department of Health and Human Services in accordance with Title 63G,
- 829                    Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
- 830                    director or a member, as defined by Section 26B-2-105, of the program.
- 831                    (b) "Application" means a background check application to the office.
- 832                    (c) "Bureau" means the Bureau of Criminal Identification within the Department of
- 833                    Public Safety, created in Section 53-10-201.
- 834                    (d) "Criminal finding" means a record of:
- 835                    (i) an arrest for a criminal offense;
- 836                    (ii) a warrant for a criminal arrest;
- 837                    (iii) charges for a criminal offense; or
- 838                    (iv) a criminal conviction.
- 839                    (e) "Direct access" means that an individual has, or likely will have:
- 840                    (i) contact with or access to a child or vulnerable adult by which the individual will
- 841                    have the opportunity for personal communication or touch with the child or
- 842                    vulnerable adult; or
- 843                    (ii) an opportunity to view medical, financial, or other confidential personal
- 844                    identifying information of the child, the child's parent or legal guardian, or the
- 845                    vulnerable adult.
- 846                    (f)(i) "Direct access qualified" means that the applicant has an eligible determination

- 847 by the office within the license and renewal time period; and
- 848 (ii) no more than 180 days have passed since the date on which the applicant's
- 849 association with a certification, contract, or licensee with the department expires.
- 850 (g) "Incidental care" means occasional care, not in excess of five hours per week and
- 851 never overnight, for a foster child.
- 852 (h) "Licensee" means an individual or a human services program licensed by the
- 853 division.
- 854 (i) "Non-criminal finding" means a record maintained in:
- 855 (i) the Division of Child and Family Services' Management Information System
- 856 described in Section 80-2-1001;
- 857 (ii) the Division of Child and Family Services' Licensing Information System
- 858 described in Section 80-2-1002;
- 859 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
- 860 exploitation database described in Section 26B-6-210;
- 861 (iv) juvenile court arrest, adjudication, and disposition records;
- 862 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77,
- 863 Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
- 864 offender registry; or
- 865 (vi) a state child abuse or neglect registry.
- 866 (j) "Office" means the Office of Background Processing within the department.
- 867 (k) "Personal identifying information" means:
- 868 (i) current name, former names, nicknames, and aliases;
- 869 (ii) date of birth;
- 870 (iii) physical address and email address;
- 871 (iv) telephone number;
- 872 (v) driver license or other government-issued identification;
- 873 (vi) social security number;
- 874 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
- 875 specified by the office; and
- 876 (viii) other information specified by the office by rule made in accordance with Title
- 877 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 878 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
- 879 following to the office:
- 880 (a) personal identifying information;

- 881 (b) a fee established by the office under Section 63J-1-504;
- 882 (c) a disclosure form, specified by the office, for consent for:
- 883 (i) an initial background check upon association with a certification, contract, or
- 884 licensee with the department;
- 885 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
- 886 certification, contract, or licensee with the department for 180 days;
- 887 (iii) a background check when the office determines that reasonable cause exists; and
- 888 (iv) retention of personal identifying information, including fingerprints, for
- 889 monitoring and notification as described in Subsections (3)(c) and (4);
- 890 (d) if an applicant resided outside of the United States and its territories during the five
- 891 years immediately preceding the day on which the information described in
- 892 Subsections (2)(a) through (c) is submitted to the office, documentation establishing
- 893 whether the applicant was convicted of a crime during the time that the applicant
- 894 resided outside of the United States or its territories; and
- 895 (e) an application showing an applicant's association with a certification, contract, or a
- 896 licensee with the department, for the purpose of the office tracking the direct access
- 897 qualified status of the applicant, which expires 180 days after the date on which the
- 898 applicant is no longer associated with a certification, contract, or a licensee with the
- 899 department.
- 900 (3) The office:
- 901 (a) shall perform the following duties as part of a background check of an applicant
- 902 before the office grants or denies direct access qualified status to an applicant:
- 903 (i) check state and regional criminal background databases for the applicant's
- 904 criminal history by:
- 905 (A) submitting personal identifying information to the bureau for a search; or
- 906 (B) using the applicant's personal identifying information to search state and
- 907 regional criminal background databases as authorized under Section 53-10-108;
- 908 (ii) submit the applicant's personal identifying information and fingerprints to the
- 909 bureau for a criminal history search of applicable national criminal background
- 910 databases;
- 911 (iii) search the Division of Child and Family Services' Licensing Information System
- 912 described in Section 80-2-1002;
- 913 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
- 914 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national

- 915 sex offender registry for an applicant 18 years old or older;
- 916 (v) if the applicant is associated with a licensee for a prospective foster or adoptive  
917 parent, search the Division of Child and Family Services' Management  
918 Information System described in Section 80-2-1001;
- 919 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,  
920 or exploitation database described in Section 26B-6-210;
- 921 (vii) search the juvenile court records for substantiated findings of severe child abuse  
922 or neglect described in Section 80-3-404; and
- 923 (viii) search the juvenile court arrest, adjudication, and disposition records, as  
924 provided under Section 78A-6-209;
- 925 (b) may conduct all or portions of a background check in connection with determining  
926 whether an applicant is direct access qualified, as provided by rule, made by the  
927 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 928 (i) for an annual renewal; or  
929 (ii) when the office determines that reasonable cause exists;
- 930 (c) may submit an applicant's personal identifying information, including fingerprints, to  
931 the bureau for checking, retaining, and monitoring of state and national criminal  
932 background databases and for notifying the office of new criminal activity associated  
933 with the applicant;
- 934 (d) shall track the status of an applicant under this section to ensure that the applicant is  
935 not required to duplicate the submission of the applicant's fingerprints if the applicant  
936 is associated with more than one certification, contract, or licensee with the  
937 department;
- 938 (e) shall notify the bureau when a direct access qualified individual has not been  
939 associated with a certification, contract, or licensee with the department for a period  
940 of 180 days;
- 941 (f) shall adopt measures to strictly limit access to personal identifying information solely  
942 to the individuals responsible for processing and entering the applications for  
943 background checks and to protect the security of the personal identifying information  
944 the office reviews under this Subsection (3);
- 945 (g) as necessary to comply with the federal requirement to check a state's child abuse  
946 and neglect registry regarding any applicant working in a congregate care program,  
947 shall:
- 948 (i) search the Division of Child and Family Services' Licensing Information System

- 949 described in Section 80-2-1002; and
- 950 (ii) require the child abuse and neglect registry be checked in each state where an  
951 applicant resided at any time during the five years immediately preceding the day  
952 on which the application is submitted to the office; and
- 953 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
954 Rulemaking Act, to implement the provisions of this Subsection (3) relating to  
955 background checks.
- 956 (4)(a) With the personal identifying information the office submits to the bureau under  
957 Subsection (3), the bureau shall check against state and regional criminal background  
958 databases for the applicant's criminal history.
- 959 (b) With the personal identifying information and fingerprints the office submits to the  
960 bureau under Subsection (3), the bureau shall check against national criminal  
961 background databases for the applicant's criminal history.
- 962 (c) Upon direction from the office, and with the personal identifying information and  
963 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 964 (i) maintain a separate file of the fingerprints for search by future submissions to the  
965 local and regional criminal records databases, including latent prints; and  
966 (ii) monitor state and regional criminal background databases and identify criminal  
967 activity associated with the applicant.
- 968 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of  
969 Investigation Next Generation Identification System, to be retained in the Federal  
970 Bureau of Investigation Next Generation Identification System for the purpose of:
- 971 (i) being searched by future submissions to the national criminal records databases,  
972 including the Federal Bureau of Investigation Next Generation Identification  
973 System and latent prints; and  
974 (ii) monitoring national criminal background databases and identifying criminal  
975 activity associated with the applicant.
- 976 (e) The ~~[Bureau]~~ bureau shall notify and release to the office all information of criminal  
977 activity associated with the applicant.
- 978 (f) Upon notice that an individual who has direct access qualified status will no longer  
979 be associated with a certification, contract, or licensee with the department, the  
980 bureau shall:
- 981 (i) discard and destroy any retained fingerprints; and  
982 (ii) notify the Federal Bureau of Investigation when the license has expired or an

983 individual's direct access to a child or a vulnerable adult has ceased, so that the  
984 Federal Bureau of Investigation will discard and destroy the retained fingerprints  
985 from the Federal Bureau of Investigation Next Generation Identification System.

986 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access  
987 qualified status to an applicant who, within three years from the date on which the  
988 office conducts the background check, was convicted of:

989 (i) a felony or misdemeanor involving conduct that constitutes any of the following:

990 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,  
991 cruelty to animals, or bestiality;

992 (B) a violation of any pornography law, including sexual exploitation of a minor  
993 or aggravated sexual exploitation of a minor;

994 (C) sexual solicitation or prostitution;

995 (D) a violent offense committed in the presence of a child, as described in Section  
996 76-3-203.10;

997 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;

998 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;

999 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;

1000 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;

1001 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;

1002 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass  
1003 Destruction;

1004 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking  
1005 Injunctions;

1006 (L) aggravated arson, as described in Section 76-6-103;

1007 (M) aggravated burglary, as described in Section 76-6-203;

1008 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;

1009 (O) aggravated robbery, as described in Section 76-6-302;

1010 (P) endangering persons in a human services program, as described in Section  
1011 26B-2-113;

1012 (Q) failure to report, as described in Section 80-2-609;

1013 (R) identity fraud crime, as described in Section 76-6-1102;

1014 (S) leaving a child unattended in a motor vehicle, as described in Section  
1015 76-10-2202;

1016 (T) riot, as described in Section 76-9-101;

- 1017 (U) sexual battery, as described in Section 76-9-702.1; or  
1018 (V) threatening with or using a dangerous weapon in a fight or quarrel, as  
1019 described in Section 76-10-506; or  
1020 (ii) a felony or misdemeanor offense committed outside of the state that, if committed  
1021 in the state, would constitute a violation of an offense described in Subsection  
1022 (5)(a)(i).
- 1023 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a  
1024 peer support provider or a mental health professional, if the applicant provides  
1025 services in a program that serves only adults with a primary mental health  
1026 diagnosis, with or without a co-occurring substance use disorder.
- 1027 (ii) The office shall conduct a comprehensive review of an applicant described in  
1028 Subsection (5)(b)(i) in accordance with Subsection (7).
- 1029 (c) The office shall deny direct access qualified status to an applicant if the office finds  
1030 that a court order prohibits the applicant from having direct access to a child or  
1031 vulnerable adult.
- 1032 (6) The office shall conduct a comprehensive review of an applicant's background check if  
1033 the applicant:
- 1034 (a) has a felony or class A misdemeanor conviction that is more than three years from  
1035 the date on which the office conducts the background check, for an offense described  
1036 in Subsection (5)(a);
- 1037 (b) has a felony charge or conviction that is no more than 10 years from the date on  
1038 which the office conducts the background check for an offense not described in  
1039 Subsection (5)(a);
- 1040 (c) has a felony charge or conviction that is more than 10 years from the date on which  
1041 the office conducts the background check, for an offense not described in Subsection  
1042 (5)(a), with criminal or non-criminal findings after the date of the felony charge or  
1043 conviction;
- 1044 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than  
1045 three years and no more than 10 years from the date on which the office conducts the  
1046 background check for an offense described in Subsection (5)(a);
- 1047 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10  
1048 years from the date on which the office conducts the background check, for an  
1049 offense described in Subsection (5)(a), with criminal or non-criminal findings after  
1050 the date of conviction;

- 1051 (f) has a misdemeanor charge or conviction that is no more than three years from the  
1052 date on which the office conducts the background check for an offense not described  
1053 in Subsection (5)(a);
- 1054 (g) has a misdemeanor charge or conviction that is more than three years from the date  
1055 on which the office conducts the background check, for an offense not described in  
1056 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or  
1057 conviction;
- 1058 (h) is currently subject to a plea in abeyance or diversion agreement for an offense  
1059 described in Subsection (5)(a);
- 1060 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title  
1061 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex  
1062 offender registry;
- 1063 (j) has a record of an adjudication in juvenile court for an act that, if committed by an  
1064 adult, would be a felony or misdemeanor, if the applicant is:
- 1065 (i) under 28 years old; or
- 1066 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is  
1067 currently subject to a plea in abeyance or diversion agreement for a felony or a  
1068 misdemeanor offense described in Subsection (5)(a);
- 1069 (k) has a pending charge for an offense described in Subsection (5)(a);
- 1070 (l) has a listing that occurred no more than 15 years from the date on which the office  
1071 conducts the background check in the Division of Child and Family Services'  
1072 Licensing Information System described in Section 80-2-1002;
- 1073 (m) has a listing that occurred more than 15 years from the date on which the office  
1074 conducts the background check in the Division of Child and Family Services'  
1075 Licensing Information System described in Section 80-2-1002, with criminal or  
1076 non-criminal findings after the date of the listing;
- 1077 (n) has a listing that occurred no more than 15 years from the date on which the office  
1078 conducts the background check in the Division of Aging and Adult Services'  
1079 vulnerable adult abuse, neglect, or exploitation database described in Section  
1080 26B-6-210;
- 1081 (o) has a listing that occurred more than 15 years from the date on which the office  
1082 conducts the background check in the Division of Aging and Adult Services'  
1083 vulnerable adult abuse, neglect, or exploitation database described in Section  
1084 26B-6-210, with criminal or non-criminal findings after the date of the listing;



- 1085 (p) has a substantiated finding that occurred no more than 15 years from the date on  
1086 which the office conducts the background check of severe child abuse or neglect  
1087 under Section 80-3-404 or 80-3-504[-]; or
- 1088 (q) has a substantiated finding that occurred more than 15 years from the date on which  
1089 the office conducts the background check of severe child abuse or neglect under  
1090 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of  
1091 the listing.
- 1092 (7)(a) The comprehensive review shall include an examination of:
- 1093 (i) the date of the offense or incident;
  - 1094 (ii) the nature and seriousness of the offense or incident;
  - 1095 (iii) the circumstances under which the offense or incident occurred;
  - 1096 (iv) the age of the perpetrator when the offense or incident occurred;
  - 1097 (v) whether the offense or incident was an isolated or repeated incident;
  - 1098 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable  
1099 adult, including:
    - 1100 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
    - 1101 (B) sexual abuse;
    - 1102 (C) sexual exploitation; or
    - 1103 (D) negligent treatment;
  - 1104 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric  
1105 treatment received, or additional academic or vocational schooling completed;
  - 1106 (viii) the applicant's risk of harm to clientele in the program or in the capacity for  
1107 which the applicant is applying; and
  - 1108 (ix) if the background check of an applicant is being conducted for the purpose of  
1109 giving direct access qualified status to an applicant seeking a position in a  
1110 congregate care program or to become a prospective foster or adoptive parent, any  
1111 listing in the Division of Child and Family Services' Management Information  
1112 System described in Section 80-2-1001.
- 1113 (b) At the conclusion of the comprehensive review, the office shall deny direct access  
1114 qualified status to an applicant if the office finds the approval would likely create a  
1115 risk of harm to a child or vulnerable adult.
- 1116 (8) The office shall grant direct access qualified status to an applicant who is not denied  
1117 under this section.
- 1118 (9)(a) The office may conditionally grant direct access qualified status to an applicant,

- 1119 for a maximum of 60 days after the day on which the office sends written notice,  
1120 without requiring that the applicant be directly supervised, if the office:
- 1121 (i) is awaiting the results of the criminal history search of national criminal  
1122 background databases; and
  - 1123 (ii) would otherwise grant direct access qualified status to the applicant under this  
1124 section.
- 1125 (b) The office may conditionally grant direct access qualified status to an applicant, for a  
1126 maximum of one year after the day on which the office sends written notice, without  
1127 requiring that the applicant be directly supervised if the office:
- 1128 (i) is awaiting the results of an out-of-state registry for providers other than foster and  
1129 adoptive parents; and
  - 1130 (ii) would otherwise grant direct access qualified status to the applicant under this  
1131 section.
- 1132 (c) Upon receiving the results of the criminal history search of a national criminal  
1133 background database, the office shall grant or deny direct access qualified status to  
1134 the applicant in accordance with this section.
- 1135 (10)(a) Each time an applicant is associated with a licensee, the department shall review  
1136 the current status of the applicant's background check to ensure the applicant is still  
1137 eligible for direct access qualified status in accordance with this section.
- 1138 (b) A licensee may not permit an individual to have direct access to a child or a  
1139 vulnerable adult without being directly supervised unless:
- 1140 (i) the individual is the parent or guardian of the child, or the guardian of the  
1141 vulnerable adult;
  - 1142 (ii) the individual is approved by the parent or guardian of the child, or the guardian  
1143 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
  - 1144 (iii) the individual is only permitted to have direct access to a vulnerable adult who  
1145 voluntarily invites the individual to visit; or
  - 1146 (iv) the individual only provides incidental care for a foster child on behalf of a foster  
1147 parent who has used reasonable and prudent judgment to select the individual to  
1148 provide the incidental care for the foster child.
- 1149 (c) Notwithstanding any other provision of this section, an applicant who is denied direct  
1150 access qualified status shall not have direct access to a child or vulnerable adult  
1151 unless the office grants direct access qualified status to the applicant through a  
1152 subsequent application in accordance with this section.

- 1153 (11) If the office denies direct access qualified status to an applicant, the applicant may  
1154 request a hearing in the department's Office of Administrative Hearings to challenge the  
1155 office's decision.
- 1156 (12)(a) This Subsection (12) applies to an applicant associated with a certification,  
1157 contract, or licensee serving adults only.
- 1158 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee  
1159 shall comply with this section.
- 1160 (c) The office shall conduct a comprehensive review for an applicant if:
- 1161 (i) the applicant is seeking a position:
- 1162 (A) as a peer support provider;
- 1163 (B) as a mental health professional; or
- 1164 (C) in a program that serves only adults with a primary mental health diagnosis,  
1165 with or without a co-occurring substance use disorder; and
- 1166 (ii) within three years from the date on which the office conducts the background  
1167 check, the applicant has a felony or misdemeanor charge or conviction or a  
1168 non-criminal finding.
- 1169 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate  
1170 care program, an applicant seeking to provide a prospective foster home, an applicant  
1171 seeking to provide a prospective adoptive home, and each adult living in the home of  
1172 the prospective foster or prospective adoptive home.
- 1173 (b) As federally required, the office shall:
- 1174 (i) check the child abuse and neglect registry in each state where each applicant  
1175 resided in the five years immediately preceding the day on which the applicant  
1176 applied to be a foster or adoptive parent, to determine whether the prospective  
1177 foster or adoptive parent is listed in the registry as having a substantiated or  
1178 supported finding of child abuse or neglect; and
- 1179 (ii) except for applicants seeking a position in a congregate care program, check the  
1180 child abuse and neglect registry in each state where each adult living in the home  
1181 of the prospective foster or adoptive home resided in the five years immediately  
1182 preceding the day on which the applicant applied to be a foster or adoptive parent,  
1183 to determine whether the adult is listed in the registry as having a substantiated or  
1184 supported finding of child abuse or neglect.
- 1185 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 1186 (i) federal law or rule permits otherwise; or

- 1187 (ii) the requirements would prohibit the Division of Child and Family Services or a  
1188 court from placing a child with:
- 1189 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
  - 1190 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,  
1191 or 80-3-303, pending completion of the background check described in  
1192 Subsections (5), (6), and (7).
- 1193 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access  
1194 qualified status if the applicant has been convicted of:
- 1195 (i) a felony involving conduct that constitutes any of the following:
    - 1196 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
    - 1197 (B) commission of domestic violence in the presence of a child, as described in  
1198 Section 76-5-114;
    - 1199 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
    - 1200 (D) intentional aggravated abuse of a vulnerable adult, as described in Section  
1201 76-5-111;
    - 1202 (E) endangerment of a child or vulnerable adult, as described in Section  
1203 76-5-112.5;
    - 1204 (F) aggravated murder, as described in Section 76-5-202;
    - 1205 (G) murder, as described in Section 76-5-203;
    - 1206 (H) manslaughter, as described in Section 76-5-205;
    - 1207 (I) child abuse homicide, as described in Section 76-5-208;
    - 1208 (J) homicide by assault, as described in Section 76-5-209;
    - 1209 (K) kidnapping, as described in Section 76-5-301;
    - 1210 (L) child kidnapping, as described in Section 76-5-301.1;
    - 1211 (M) aggravated kidnapping, as described in Section 76-5-302;
    - 1212 (N) human trafficking of a child, as described in Section 76-5-308.5;
    - 1213 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
    - 1214 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual  
1215 Exploitation Act;
    - 1216 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
    - 1217 (R) aggravated arson, as described in Section 76-6-103;
    - 1218 (S) aggravated burglary, as described in Section 76-6-203;
    - 1219 (T) aggravated robbery, as described in Section 76-6-302;
    - 1220 (U) lewdness involving a child, as described in Section 76-9-702.5;

- 1221 (V) incest, as described in Section 76-7-102; or
- 1222 (W) domestic violence, as described in Section 77-36-1; or
- 1223 (ii) an offense committed outside the state that, if committed in the state, would
- 1224 constitute a violation of an offense described in Subsection (13)(d)(i).
- 1225 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1226 qualified status to an applicant if, within the five years from the date on which the
- 1227 office conducts the background check, the applicant was convicted of a felony
- 1228 involving conduct that constitutes a violation of any of the following:
- 1229 (i) aggravated assault, as described in Section 76-5-103;
- 1230 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 1231 (iii) mayhem, as described in Section 76-5-105;
- 1232 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 1233 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 1234 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
- 1235 Act;
- 1236 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
- 1237 Precursor Act; or
- 1238 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 1239 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
- 1240 a comprehensive review of an applicant's background check under this section if the
- 1241 applicant:
- 1242 (i) has an offense described in Subsection (5)(a);
- 1243 (ii) has an infraction conviction entered on a date that is no more than three years
- 1244 before the date on which the office conducts the background check;
- 1245 (iii) has a listing in the Division of Child and Family Services' Licensing Information
- 1246 System described in Section 80-2-1002;
- 1247 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
- 1248 neglect, or exploitation database described in Section 26B-2-210;
- 1249 (v) has a substantiated finding of severe child abuse or neglect under Section
- 1250 80-3-404 or 80-3-504; or
- 1251 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
- 1252 substantiated or supported finding of a severe type of child abuse or neglect, as
- 1253 defined in Section 80-1-102.
- 1254 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1255 office may make rules, consistent with this part, to:

- 1256 (a) establish procedures for, and information to be examined in, the comprehensive  
1257 review described in Subsections (6), (7), and (13); and
- 1258 (b) determine whether to consider an offense or incident that occurred while an  
1259 individual was in the custody of the Division of Child and Family Services or the  
1260 Division of Juvenile Justice and Youth Services for purposes of granting or denying  
1261 direct access qualified status to an applicant.

1262 Section 10. Section **26B-2-309** is amended to read:

1263 **26B-2-309 . Assisted living facility transfers.**

- 1264 (1) After the ombudsman receives a notice described in Subsection [~~26B-2-237(2)(b)~~]  
1265 26B-2-237(3)(b), the ombudsman shall:
- 1266 (a) review the notice; and
- 1267 (b) contact the resident or the resident's responsible person to conduct a voluntary  
1268 interview.
- 1269 (2) The voluntary interview described in Subsection (1)(b) shall:
- 1270 (a) provide the resident with information about the services available through the  
1271 ombudsman;
- 1272 (b) confirm the details in the notice described in Subsection [~~26B-2-237(2)(b)~~]  
1273 26B-2-237(3)(b), including:
- 1274 (i) the name of the resident;
- 1275 (ii) the reason for the transfer or discharge;
- 1276 (iii) the date of the transfer or discharge; and
- 1277 (iv) a description of the resident's next living arrangement; and
- 1278 (c) provide the resident an opportunity to discuss any concerns or complaints the  
1279 resident may have regarding:
- 1280 (i) the resident's treatment at the assisted living facility; and
- 1281 (ii) whether the assisted living facility treated the resident fairly when the assisted  
1282 living facility transferred or discharged the resident.
- 1283 (3) On or before November 1 of each year, the ombudsman shall provide a report to the  
1284 Health and Human Services Interim Committee regarding:
- 1285 (a) the reasons why assisted living facilities are transferring residents;
- 1286 (b) where residents are going upon transfer or discharge; and
- 1287 (c) the type and prevalence of complaints that the ombudsman receives regarding  
1288 assisted living facilities, including complaints about the process or reasons for a

1289 transfer or discharge.

1290 Section 11. Section **26B-4-245** is amended to read:

1291 **26B-4-245 . Purchasing and use limitations.**

1292 (1) An individual with a medical cannabis card:

1293 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:

1294 (i) unprocessed cannabis in a medicinal dosage form; and

1295 (ii) a cannabis product in a medicinal dosage form;

1296 (b) may not purchase:

1297 (i) except as provided in Subsection (2), more medical cannabis than described in

1298 Subsection (1)(a); or

1299 (ii) if the relevant recommending medical provider did not recommend directions of

1300 use and dosing guidelines, until the individual consults with the pharmacy medical

1301 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and

1302 (c) may not use a route of administration that the relevant recommending medical

1303 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231

1304 (5), has not recommended.

1305 (2)(a) A qualified medical provider may petition the department to waive the 28-day

1306 period limit described in Subsection (1)(a) for a medical cannabis cardholder if the

1307 medical cannabis cardholder:

1308 (i) has been diagnosed with a terminal illness;

1309 (ii) has a life expectancy of six months or less; and

1310 (iii) needs the waiver for palliative purposes.

1311 (b) The department shall:

1312 (i) consult with the Compassionate Use Board to determine whether the waiver

1313 should be granted; and

1314 (ii) issue a response to the petition within 10 days from the day on which the petition

1315 is received.

1316 (c) The department may waive the 28-day period limit for no more than 180 days.

1317 (d) A petition described in this Subsection (2) may be combined with the petition

1318 described in Subsection 26B-1-421(6).

1319 Section 12. Section **26B-5-331** is amended to read:

1320 **26B-5-331 . Temporary commitment -- Requirements and procedures -- Rights.**

1321 (1) An adult shall be temporarily, involuntarily committed to a local mental health authority

1322 upon:

- 1323 (a) a written application that:
- 1324 (i) is completed by a responsible individual who has reason to know, stating a belief
- 1325 that the adult, due to mental illness, is likely to pose substantial danger to self or
- 1326 others if not restrained and stating the personal knowledge of the adult's condition
- 1327 or circumstances that lead to the individual's belief; and
- 1328 (ii) includes a certification by a licensed physician, licensed physician assistant,
- 1329 licensed nurse practitioner, or designated examiner stating that the physician,
- 1330 physician assistant, nurse practitioner, or designated examiner has examined the
- 1331 adult within a three-day period immediately preceding the certification, and that
- 1332 the physician, physician assistant, nurse practitioner, or designated examiner is of
- 1333 the opinion that, due to mental illness, the adult poses a substantial danger to self
- 1334 or others; or
- 1335 (b) a peace officer or a mental health officer:
- 1336 (i) observing an adult's conduct that gives the peace officer or mental health officer
- 1337 probable cause to believe that:
- 1338 (A) the adult has a mental illness; and
- 1339 (B) because of the adult's mental illness and conduct, the adult poses a substantial
- 1340 danger to self or others; and
- 1341 (ii) completing a temporary commitment application that:
- 1342 (A) is on a form prescribed by the division;
- 1343 (B) states the peace officer's or mental health officer's belief that the adult poses a
- 1344 substantial danger to self or others;
- 1345 (C) states the specific nature of the danger;
- 1346 (D) provides a summary of the observations upon which the statement of danger is
- 1347 based; and
- 1348 (E) provides a statement of the facts that called the adult to the peace officer's or
- 1349 mental health officer's attention.
- 1350 (2) If at any time a patient committed under this section no longer meets the commitment
- 1351 criteria described in Subsection (1), the local mental health authority or the local mental
- 1352 health authority's designee shall:
- 1353 (a) document the change and release the patient; and
- 1354 (b) if the patient was admitted under Subsection (1)(b), notify the peace officer or
- 1355 mental health officer of the patient's release.
- 1356 (3) A patient committed under this section may be held for a maximum of 72 hours after



- 1357 commitment, excluding Saturdays, Sundays, and legal holidays, unless:
- 1358 (a) as described in Section 26B-5-332, an application for involuntary commitment is
- 1359 commenced, which may be accompanied by an order of detention described in
- 1360 Subsection 26B-5-332(4); or
- 1361 (b) the patient makes a voluntary application for admission.
- 1362 (4) Upon a written application described in Subsection (1)(a) or the observation and belief
- 1363 described in Subsection (1)(b)(i), the adult shall be:
- 1364 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
- 1365 public safety; and
- 1366 (b) transported for temporary commitment to a facility designated by the local mental
- 1367 health authority, by means of:
- 1368 (i) an ambulance, if the adult meets any of the criteria described in Section [
- 1369 ~~26B-4-119~~] 53-2d-405;
- 1370 (ii) an ambulance, if a peace officer is not necessary for public safety, and
- 1371 transportation arrangements are made by a physician, physician assistant, nurse
- 1372 practitioner, designated examiner, or mental health officer;
- 1373 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
- 1374 location where the adult is present, if the adult is not transported by ambulance;
- 1375 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the
- 1376 law enforcement authority described in Subsection (4)(b)(iii) and the adult is not
- 1377 transported by ambulance; or
- 1378 (v) nonemergency secured behavioral health transport as that term is defined in
- 1379 Section 53-2d-101.
- 1380 (5) Notwithstanding Subsection (4):
- 1381 (a) an individual shall be transported by ambulance to an appropriate medical facility for
- 1382 treatment if the individual requires physical medical attention;
- 1383 (b) if an officer has probable cause to believe, based on the officer's experience and
- 1384 de-escalation training that taking an individual into protective custody or transporting
- 1385 an individual for temporary commitment would increase the risk of substantial
- 1386 danger to the individual or others, a peace officer may exercise discretion to not take
- 1387 the individual into custody or transport the individual, as permitted by policies and
- 1388 procedures established by the officer's law enforcement agency and any applicable
- 1389 federal or state statute, or case law; and
- 1390 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual

- 1391 into protective custody or transport an individual, the officer shall document in the  
1392 officer's report the details and circumstances that led to the officer's decision.
- 1393 (6)(a) The local mental health authority shall inform an adult patient committed under  
1394 this section of the reason for commitment.
- 1395 (b) An adult patient committed under this section has the right to:
- 1396 (i) within three hours after arrival at the local mental health authority, make a  
1397 telephone call, at the expense of the local mental health authority, to an individual  
1398 of the patient's choice; and
- 1399 (ii) see and communicate with an attorney.
- 1400 (7)(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
- 1401 (b) This section does not create a special duty of care.
- 1402 (8)(a) A local mental health authority shall provide discharge instructions to each  
1403 individual committed under this section at or before the time the individual is  
1404 discharged from the local mental health authority's custody, regardless of whether the  
1405 individual is discharged by being released, taken into a peace officer's protective  
1406 custody, transported to a medical facility or other facility, or other circumstances.
- 1407 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 1408 (i) a summary of why the individual was committed to the local mental health  
1409 authority;
- 1410 (ii) detailed information about why the individual is being discharged from the local  
1411 mental health authority's custody;
- 1412 (iii) a safety plan for the individual based on the individual's mental illness or mental  
1413 or emotional state;
- 1414 (iv) notification to the individual's primary care provider, if applicable;
- 1415 (v) if the individual is discharged without food, housing, or economic security, a  
1416 referral to appropriate services, if such services exist in the individual's  
1417 community;
- 1418 (vi) the phone number to call or text for a crisis services hotline, and information  
1419 about the availability of peer support services;
- 1420 (vii) a copy of any psychiatric advance directive presented to the local mental health  
1421 authority, if applicable;
- 1422 (viii) information about how to establish a psychiatric advance directive if one was  
1423 not presented to the local mental health authority;
- 1424 (ix) as applicable, information about medications that were changed or discontinued

- 1425 during the commitment;
- 1426 (x) a list of any screening or diagnostic tests conducted during the commitment;
- 1427 (xi) a summary of therapeutic treatments provided during the commitment;
- 1428 (xii) any laboratory work, including blood samples or imaging, that was completed or
- 1429 attempted during the commitment; and
- 1430 (xiii) information about how to contact the local mental health authority if needed.
- 1431 (c) If an individual's medications were changed, or if an individual was prescribed new
- 1432 medications while committed under this section, discharge instructions provided
- 1433 under Subsection (8)(a) shall include a clinically appropriate supply of medications,
- 1434 as determined by a licensed health care provider, to allow the individual time to
- 1435 access another health care provider or follow-up appointment.
- 1436 (d) If an individual refuses to accept discharge instructions, the local mental health
- 1437 authority shall document the refusal in the individual's medical record.
- 1438 (e) If an individual's discharge instructions include referrals to services under Subsection
- 1439 (8)(b)(v), the local mental health authority shall document those referrals in the
- 1440 individual's medical record.
- 1441 (f) The local mental health authority shall attempt to follow up with a discharged
- 1442 individual at least 48 hours after discharge, and may use peer support professionals
- 1443 when performing follow-up care or developing a continuing care plan.

1444 Section 13. Section **26B-6-201** is amended to read:

1445 **26B-6-201 . Definitions.**

1446 As used in this part:

- 1447 (1) "Abandonment" means any knowing or intentional action or failure to act, including
- 1448 desertion, by a person acting as a caretaker for a vulnerable adult that leaves the
- 1449 vulnerable adult without the means or ability to obtain necessary food, clothing, shelter,
- 1450 or medical or other health care.
- 1451 (2) "Abuse" means:
- 1452 (a) knowingly or intentionally:
- 1453 (i) attempting to cause harm;
- 1454 (ii) causing harm; or
- 1455 (iii) placing another in fear of harm;
- 1456 (b) unreasonable or inappropriate use of physical restraint, medication, or isolation that
- 1457 causes or is likely to cause harm to a vulnerable adult;
- 1458 (c) emotional or psychological abuse;

- 1459 (d) a sexual offense as described in Title 76, Chapter 5, Offenses Against the Individual;  
1460 or
- 1461 (e) deprivation of life sustaining treatment, or medical or mental health treatment, except:  
1462 (i) as provided in Title 75A, Chapter 3, Health Care Decisions; or  
1463 (ii) when informed consent, as defined in Section 76-5-111, has been obtained.
- 1464 (3) "Adult" means an individual who is 18 years old or older.
- 1465 (4) "Adult protection case file" means a record, stored in any format, contained in a case  
1466 file maintained by Adult Protective Services.
- 1467 (5) "Adult Protective Services" means the unit within the division responsible to investigate  
1468 abuse, neglect, and exploitation of vulnerable adults and provide appropriate protective  
1469 services.
- 1470 (6) "Capacity to consent" means the ability of an individual to understand and communicate  
1471 regarding the nature and consequences of decisions relating to the individual, and  
1472 relating to the individual's property and lifestyle, including a decision to accept or refuse  
1473 services.
- 1474 (7) "Caretaker" means a person or public institution that is entrusted with or assumes the  
1475 responsibility to provide a vulnerable adult with care, food, shelter, clothing,  
1476 supervision, medical or other health care, resource management, or other necessities for  
1477 pecuniary gain, by contract, or as a result of friendship, or who is otherwise in a position  
1478 of trust and confidence with a vulnerable adult, including a relative, a household  
1479 member, an attorney-in-fact, a neighbor, a person who is employed or who provides  
1480 volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is  
1481 under court order to provide care.
- 1482 (8) "Counsel" means an attorney licensed to practice law in this state.
- 1483 (9) "Database" means the statewide database maintained by the division under Section  
1484 26B-6-210.
- 1485 (10)(a) "Dependent adult" means an individual 18 years old or older, who has a physical  
1486 or mental impairment that restricts the individual's ability to carry out normal  
1487 activities or to protect the individual's rights.
- 1488 (b) "Dependent adult" includes an individual who has physical or developmental  
1489 disabilities or whose physical or mental capacity has substantially diminished  
1490 because of age.
- 1491 (11) "Elder abuse" means abuse, neglect, or exploitation of an elder adult.
- 1492 (12) "Elder adult" means an individual 65 years old or older.

- 1493 (13) "Emergency" means a circumstance in which a vulnerable adult is at an immediate risk  
1494 of death, serious physical injury, or serious physical, emotional, or financial harm.
- 1495 (14) "Emergency protective services" means measures taken by Adult Protective Services  
1496 under time-limited, court-ordered authority for the purpose of remediating an emergency.
- 1497 (15)(a) "Emotional or psychological abuse" means knowing or intentional verbal or  
1498 nonverbal conduct directed at a vulnerable adult that results in the vulnerable adult  
1499 suffering mental anguish, emotional distress, fear, humiliation, degradation, agitation,  
1500 or confusion.
- 1501 (b) "Emotional or psychological abuse" includes intimidating, threatening, isolating,  
1502 coercing, or harassing.
- 1503 (c) "Emotional or psychological abuse" does not include verbal or non-verbal conduct  
1504 by a vulnerable adult who lacks the capacity to intentionally or knowingly:  
1505 (i) engage in the conduct; or  
1506 (ii) cause mental anguish, emotional distress, fear, humiliation, degradation,  
1507 agitation, or confusion.
- 1508 (16) "Exploitation" means an offense described in Section 76-5-111.3, 76-5-111.4, or  
1509 76-5b-202.
- 1510 (17) "Harm" means pain, mental anguish, emotional distress, hurt, physical or  
1511 psychological damage, physical injury, serious physical injury, suffering, or distress  
1512 inflicted knowingly or intentionally.
- 1513 (18) "Inconclusive" means a finding by the division that there is not a reasonable basis to  
1514 conclude that abuse, neglect, or exploitation occurred.
- 1515 (19) "Intimidation" means communication through verbal or nonverbal conduct which  
1516 threatens deprivation of money, food, clothing, medicine, shelter, social interaction,  
1517 supervision, health care, or companionship, or which threatens isolation or abuse.
- 1518 (20)(a) "Isolation" means knowingly or intentionally preventing a vulnerable adult from  
1519 having contact with another person, unless the restriction of personal rights is  
1520 authorized by court order, by:  
1521 (i) preventing the vulnerable adult from communicating, visiting, interacting, or  
1522 initiating interaction with others, including receiving or inviting visitors, mail, or  
1523 telephone calls, contrary to the expressed wishes of the vulnerable adult, or  
1524 communicating to a visitor that the vulnerable adult is not present or does not  
1525 want to meet with or talk to the visitor, knowing that communication to be false;  
1526 (ii) physically restraining the vulnerable adult in order to prevent the vulnerable adult

- 1527 from meeting with a visitor; or
- 1528 (iii) making false or misleading statements to the vulnerable adult in order to induce
- 1529 the vulnerable adult to refuse to receive communication from visitors or other
- 1530 family members.
- 1531 (b) "Isolation" does not include an act:
- 1532 (i) intended in good faith to protect the physical or mental welfare of the vulnerable
- 1533 adult; or
- 1534 (ii) performed pursuant to the treatment plan or instructions of a physician or other
- 1535 professional advisor of the vulnerable adult.
- 1536 (21) "Lacks capacity to consent" [~~is-as~~] means the same as that term is defined in Section
- 1537 76-5-111.4.
- 1538 (22)(a) "Neglect" means:
- 1539 (i)(A) failure of a caretaker to provide necessary care, including nutrition,
- 1540 clothing, shelter, supervision, personal care, or dental, medical, or other health
- 1541 care for a vulnerable adult, unless the vulnerable adult is able to provide or
- 1542 obtain the necessary care without assistance; or
- 1543 (B) failure of a caretaker to provide protection from health and safety hazards or
- 1544 maltreatment;
- 1545 (ii) failure of a caretaker to provide care to a vulnerable adult in a timely manner and
- 1546 with the degree of care that a reasonable person in a like position would exercise;
- 1547 (iii) a pattern of conduct by a caretaker, without the vulnerable adult's informed
- 1548 consent, resulting in deprivation of food, water, medication, health care, shelter,
- 1549 cooling, heating, or other services necessary to maintain the vulnerable adult's
- 1550 well being;
- 1551 (iv) knowing or intentional failure by a caretaker to carry out a prescribed treatment
- 1552 plan that causes or is likely to cause harm to the vulnerable adult;
- 1553 (v) self-neglect by the vulnerable adult; or
- 1554 (vi) abandonment by a caretaker.
- 1555 (b) "Neglect" does not include conduct, or failure to take action, that is permitted or
- 1556 excused under Title 75A, Chapter 3, Health Care Decisions.
- 1557 (23) "Physical injury" includes the damage and conditions described in Section 76-5-111.
- 1558 (24) "Protected person" means a vulnerable adult for whom the court has ordered protective
- 1559 services.
- 1560 (25) "Protective services" means services to protect a vulnerable adult from abuse, neglect,

- 1561 or exploitation.
- 1562 (26) "Self-neglect" means the failure of a vulnerable adult to provide or obtain food, water,  
1563 medication, health care, shelter, cooling, heating, safety, or other services necessary to  
1564 maintain the vulnerable adult's well being when that failure is the result of the adult's  
1565 mental or physical impairment. Choice of lifestyle or living arrangements may not, by  
1566 themselves, be evidence of self-neglect.
- 1567 (27) "Serious physical injury" is as defined in Section 76-5-111.
- 1568 (28) "Supported" means a finding by the division that there is a reasonable basis to  
1569 conclude that abuse, neglect, or exploitation occurred.
- 1570 (29) "Undue influence" occurs when a person:
- 1571 (a) uses influence to take advantage of a vulnerable adult's mental or physical  
1572 impairment; or
- 1573 (b) uses the person's role, relationship, or power:
- 1574 (i) to exploit, or knowingly assist or cause another to exploit, the trust, dependency,  
1575 or fear of a vulnerable adult; or
- 1576 (ii) to gain control deceptively over the decision making of the vulnerable adult.
- 1577 (30) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or  
1578 physical impairment which substantially affects that person's ability to:
- 1579 (a) provide personal protection;
- 1580 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 1581 (c) obtain services necessary for health, safety, or welfare;
- 1582 (d) carry out the activities of daily living;
- 1583 (e) manage the adult's own financial resources; or
- 1584 (f) comprehend the nature and consequences of remaining in a situation of abuse,  
1585 neglect, or exploitation.
- 1586 (31) "Without merit" means a finding that abuse, neglect, or exploitation did not occur.  
1587 Section 14. Section **35A-8-302** is amended to read:
- 1588 **35A-8-302 . Definitions.**
- 1589 As used in this part:
- 1590 (1) "Bonus payments" means that portion of the bonus payments received by the United  
1591 States government under the Leasing Act paid to the state under Section 35 of the  
1592 Leasing Act, 30 U.S.C. Sec. 191, together with any interest that had accrued on those  
1593 payments.
- 1594 (2) "Impact board" means the Permanent Community Impact Fund Board created under

1595 Section 35A-8-304.

1596 (3) "Impact fund" means the Permanent Community Impact Fund established by this  
1597 chapter.

1598 (4) "Interlocal agency" means a legal or administrative entity created by a subdivision or  
1599 combination of subdivisions under the authority of Title 11, Chapter 13, Interlocal  
1600 Cooperation Act.

1601 (5) "Leasing Act" means the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 181 et seq.

1602 (6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year  
1603 beginning on January 1, 2008, the total sales and use tax distributions a city received  
1604 under Section 59-12-205 were reduced by at least 15% from the total sales and use tax  
1605 distributions the city received under Section 59-12-205 for the calendar year beginning  
1606 on January 1, 2007.

1607 (7)(a) "Planning" means any of the following performed by or on behalf of the state, a  
1608 subdivision, or an interlocal [entity] agency:

1609 (i) a study, analysis, plan, or survey; or

1610 (ii) activities necessary to obtain a permit or land use approval, including review to  
1611 determine the need, cost, or feasibility of obtaining a permit or land use approval.

1612 (b) "Planning" includes:

1613 (i) the preparation of maps and guidelines;

1614 (ii) land use planning;

1615 (iii) a study or analysis of:

1616 (A) the social or economic impacts associated with natural resource development;

1617 (B) the demand for the transportation of individuals or goods;

1618 (C) state, regional, and local development and growth;

1619 (D) population and employment;

1620 (E) development related to natural resources; and

1621 (F) as related to any other activity described in this Subsection (7), engineering,  
1622 financial analysis, legal analysis, or any other analysis helpful to the state,  
1623 subdivision, or interlocal agency; and

1624 (iv) any activity described in this Subsection (7) regardless of whether the activity is  
1625 for a public facility or a public service.

1626 (8) "Public facility" means a facility:

1627 (a) in whole or in part, owned, controlled, or operated by the state, a subdivision, or an  
1628 interlocal agency; and



- 1629 (b) that serves a public purpose.
- 1630 (9)(a) "Public service" means a service that:
- 1631 (i) is provided, in whole or in part, by or on behalf of the state, a subdivision, or an
- 1632 interlocal agency; and
- 1633 (ii) serves a public purpose.
- 1634 (b) "Public service" includes:
- 1635 (i) a service described in Subsection (9)(a) regardless of whether the service is
- 1636 provided in connection with a public facility;
- 1637 (ii) the cost of providing a service described in Subsection (9)(a), including
- 1638 administrative costs, wages, and legal fees; and
- 1639 (iii) a contract with a public postsecondary institution to fund research, education, or
- 1640 a public service program.
- 1641 (10) "Subdivision" means a county, city, town, county service area, special service district,
- 1642 special improvement district, water conservancy district, water improvement district,
- 1643 sewer improvement district, housing authority, building authority, school district, or
- 1644 public postsecondary institution organized under the laws of this state.
- 1645 (11)(a) "Throughput infrastructure project" means the following facilities, whether
- 1646 located within, partially within, or outside of the state:
- 1647 (i) a bulk commodities ocean terminal;
- 1648 (ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;
- 1649 (iii) electric transmission lines and ancillary facilities;
- 1650 (iv) a shortline freight railroad and ancillary facilities;
- 1651 (v) a plant or facility for storing, distributing, or producing hydrogen, including the
- 1652 liquification of hydrogen, for use as a fuel in zero emission motor vehicles, for
- 1653 electricity generation, or for industrial use; or
- 1654 (vi) a plant for the production of zero emission hydrogen fueled trucks.
- 1655 (b) "Throughput infrastructure project" includes:
- 1656 (i) an ownership interest or a joint or undivided ownership interest in a facility;
- 1657 (ii) a membership interest in the owner of a facility; or
- 1658 (iii) a contractual right, whether secured or unsecured, to use all or a portion of the
- 1659 throughput, transportation, or transmission capacity of a facility.
- 1660 Section 15. Section **40-11-16** is amended to read:
- 1661 **40-11-16 . Certificate of project completion.**
- 1662 (1) To request a certificate of project completion, a storage operator shall submit:

- 1663 (a) a demonstration that the last carbon dioxide injection was no fewer than 10 years  
 1664 preceding the filing;
- 1665 (b) a statement of compliance with all statutes and rules regulating the storage facility;
- 1666 (c) a demonstration of the resolution of all pending claims regarding the storage facility;
- 1667 (d) a demonstration of the present and future physical integrity of the storage reservoir;
- 1668 (e) a demonstration that any carbon dioxide in the storage reservoir:
- 1669 (i) is essentially stationary; or
- 1670 (ii) if the carbon dioxide migrates or will migrate, is highly unlikely to cross the  
 1671 storage reservoir boundary;
- 1672 (f) a demonstration that all wells, equipment, and facilities necessary for maintaining the  
 1673 continued integrity of the storage reservoir are currently in good condition and will  
 1674 maintain that good condition; and
- 1675 (g) a demonstration that the operator has:
- 1676 (i) plugged wells;
- 1677 (ii) removed equipment and facilities not necessary to maintaining the integrity of the  
 1678 reservoir; and
- 1679 (iii) completed any other reclamation work the board requires.
- 1680 (2) Immediately after the board issues a certificate of project completion:
- 1681 (a) title to the storage facility and the stored carbon dioxide, including oversight of a  
 1682 facility used to store the stored carbon dioxide, transfers to the state;
- 1683 (b) liability with respect to the storage facility and the stored carbon dioxide transfers to  
 1684 the state;
- 1685 (c) the storage operator and any person who is not the state who has property rights in  
 1686 the storage facility is released from any obligation to comply with regulatory  
 1687 requirements associated with the storage facility;
- 1688 (d) the board shall release any bonds the storage operator has posted; and
- 1689 (e) the division shall oversee the monitoring and managing of the storage facility.

1690 Section 16. Section **53-2a-1102** is amended to read:

1691 **53-2a-1102 . Search and Rescue Financial Assistance Program -- Uses --**

1692 **Rulemaking -- Distribution.**

- 1693 (1) As used in this section:
- 1694 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card  
 1695 Program created within this section.
- 1696 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a

- 1697 participant.
- 1698 (c) "Participant" means an individual, family, or group who is registered pursuant to this  
1699 section as having a valid card at the time search, rescue, or both are provided.
- 1700 (d) "Program" means the Search and Rescue Financial Assistance Program created  
1701 within this section.
- 1702 (e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to  
1703 search and rescue activities.
- 1704 (ii) "Reimbursable base expenses" include:
- 1705 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;  
1706 (B) replacement and upgrade of search and rescue equipment;  
1707 (C) training of search and rescue volunteers;  
1708 (D) costs of providing life insurance and workers' compensation benefits for  
1709 volunteer search and rescue team members under Section 67-20-7.5; and  
1710 (E) any other equipment or expenses necessary or appropriate for conducting  
1711 search and rescue activities.
- 1712 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an  
1713 individual on a regular or permanent payroll, including permanent part-time  
1714 employees of any agency of the state.
- 1715 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1716 (2) There is created the Search and Rescue Financial Assistance Program within the  
1717 division.
- 1718 (3)(a) The financial program and the assistance card program shall be funded from the  
1719 following revenue sources:
- 1720 (i) any voluntary contributions to the state received for search and rescue operations;  
1721 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,  
1722 41-22-34, and 73-18-24;  
1723 (iii) money deposited under Subsection [~~59-12-103(13)~~] 59-12-103(12);  
1724 (iv) contributions deposited in accordance with Section 41-1a-230.7; and  
1725 (v) appropriations made to the program by the Legislature.
- 1726 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and  
1727 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the  
1728 General Fund as a dedicated credit to be used solely for the program.
- 1729 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into  
1730 the General Fund as a dedicated credit to be used solely to promote the assistance

- 1731 card program.
- 1732 (d) Funding for the program is nonlapsing.
- 1733 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this  
1734 section to reimburse counties for all or a portion of each county's reimbursable base  
1735 expenses for search and rescue operations, subject to:
- 1736 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
1737 53-2a-1104;
- 1738 (b) money available in the program; and
- 1739 (c) rules made under Subsection (7).
- 1740 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel  
1741 costs or paid man hours spent in emergency response and search and rescue related  
1742 activities.
- 1743 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1744 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make  
1745 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1746 and consistent with this section:
- 1747 (a) specifying the costs that qualify as reimbursable base expenses;
- 1748 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1749 (c) defining a participant in the assistance card program, including:
- 1750 (i) individuals; and
- 1751 (ii) families and organized groups who qualify as participants;
- 1752 (d) defining the procedure for issuing a card to a participant;
- 1753 (e) defining excluded expenses that may not be reimbursed under the program, including  
1754 medical expenses;
- 1755 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
1756 Program;
- 1757 (g) establishing the frequency of review of the fee schedule;
- 1758 (h) providing for the administration of the program; and
- 1759 (i) providing a formula to govern the distribution of available money among the counties  
1760 for uncompensated search and rescue expenses based on:
- 1761 (i) the total qualifying expenses submitted;
- 1762 (ii) the number of search and rescue incidents per county population;
- 1763 (iii) the number of victims that reside outside the county; and
- 1764 (iv) the number of volunteer hours spent in each county in emergency response and

- 1765 search and rescue related activities per county population.
- 1766 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,  
1767 establish the fee schedule of the Utah Search and Rescue Assistance Card Program  
1768 under Subsection 63J-1-504(7).
- 1769 (b) The division shall provide a discount of not less than 10% of the card fee under  
1770 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,  
1771 or 73-18-24 during the same calendar year in which the person applies to be a  
1772 participant in the assistance card program.
- 1773 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for  
1774 the rescue of an individual, if the individual is a current participant in the Utah Search  
1775 and Rescue Assistance Card Program at the time of rescue, unless:
- 1776 (a) the rescuing county finds that the participant acted recklessly in creating a situation  
1777 resulting in the need for the county to provide rescue services; or
- 1778 (b) the rescuing county finds that the participant intentionally created a situation  
1779 resulting in the need for the county to provide rescue services.
- 1780 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The  
1781 program is located within the division.
- 1782 (b) The program may not be used to cover any expenses, such as medically related  
1783 expenses, that are not reimbursable base expenses related to the rescue.
- 1784 (11)(a) To participate in the program, a person shall purchase a search and rescue  
1785 assistance card from the division by paying the fee as determined by the division in  
1786 Subsection (8).
- 1787 (b) The money generated by the fees shall be deposited into the General Fund as a  
1788 dedicated credit for the Search and Rescue Financial Assistance Program created in  
1789 this section.
- 1790 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,  
1791 and 73-18-24 do not constitute purchase of a card under this section.
- 1792 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1793 (a) administration of the assistance card program; and
- 1794 (b) outreach and marketing strategies.
- 1795 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card  
1796 Program under this section is exempt from being considered insurance as that term is  
1797 defined in Section 31A-1-301.
- 1798 Section 17. Section **53-2d-101** is amended to read:

1799 **53-2d-101 . Definitions.**

1800 As used in this chapter:

1801 (1)(a) "911 ambulance or paramedic services" means:

1802 (i) either:

1803 (A) 911 ambulance service;

1804 (B) 911 paramedic service; or

1805 (C) both 911 ambulance and paramedic service; and

1806 (ii) a response to a 911 call received by a designated dispatch center that receives 911  
1807 or E911 calls.1808 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone  
1809 call received directly by an ambulance provider licensed under this chapter.

1810 (2) "Ambulance" means a ground, air, or water vehicle that:

1811 (a) transports patients and is used to provide emergency medical services; and

1812 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

1813 (3) "Ambulance provider" means an emergency medical service provider that:

1814 (a) transports and provides emergency medical care to patients; and

1815 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1816 (4) "Automatic external defibrillator" or "AED" means an automated or automatic  
1817 computerized medical device that:1818 (a) has received pre-market notification approval from the United States Food and Drug  
1819 Administration, pursuant to 21 U.S.C. Sec. 360(k);1820 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid  
1821 ventricular tachycardia;1822 (c) is capable of determining, without intervention by an operator, whether defibrillation  
1823 should be performed; and1824 (d) upon determining that defibrillation should be performed, automatically charges,  
1825 enabling delivery of, or automatically delivers, an electrical impulse through the  
1826 chest wall and to an individual's heart.

1827 (5)(a) "Behavioral emergency services" means delivering a behavioral health

1828 intervention to a patient in an emergency context within a scope and in accordance  
1829 with guidelines established by the department.

1830 (b) "Behavioral emergency services" does not include engaging in the:

1831 (i) practice of mental health therapy as defined in Section 58-60-102;

1832 (ii) practice of psychology as defined in Section 58-61-102;

- 1833 (iii) practice of clinical social work as defined in Section 58-60-202;
- 1834 (iv) practice of certified social work as defined in Section 58-60-202;
- 1835 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 1836 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 1837 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1838 (6) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 1839 53-2d-102.
- 1840 (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest
- 1841 compression applied to a person who is unresponsive and not breathing.
- 1842 (8) "Committee" means the Trauma System and Emergency Medical Services Committee
- 1843 created by Section 53-2d-104.
- 1844 (9) "Community paramedicine" means medical care:
- 1845 (a) provided by emergency medical service personnel; and
- 1846 (b) provided to a patient who is not:
- 1847 (i) in need of ambulance transportation; or
- 1848 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1849 (10) "Direct medical observation" means in-person observation of a patient by a physician,
- 1850 registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.
- 1851 (11) "Emergency medical condition" means:
- 1852 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 1853 including severe pain, that a prudent layperson, who possesses an average knowledge
- 1854 of health and medicine, could reasonably expect the absence of immediate medical
- 1855 attention to result in:
- 1856 (i) placing the individual's health in serious jeopardy;
- 1857 (ii) serious impairment to bodily functions; or
- 1858 (iii) serious dysfunction of any bodily organ or part; or
- 1859 (b) a medical condition that in the opinion of a physician or the physician's designee
- 1860 requires direct medical observation during transport or may require the intervention
- 1861 of an individual licensed under Section 53-2d-402 during transport.
- 1862 (12) "Emergency medical dispatch center" means a public safety answering point, as
- 1863 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 1864 center by the bureau.
- 1865 (13)(a) "Emergency medical service personnel" means an individual who provides
- 1866 emergency medical services or behavioral emergency services to a patient and is

- 1867 required to be licensed or certified under Section 53-2d-402.
- 1868 (b) "Emergency medical service personnel" includes a paramedic, medical director of a  
1869 licensed emergency medical service provider, emergency medical service instructor,  
1870 behavioral emergency services technician, other categories established by the  
1871 committee, and a certified emergency medical dispatcher.
- 1872 (14) "Emergency medical service providers" means:
- 1873 (a) licensed ambulance providers and paramedic providers;
- 1874 (b) a facility or provider that is required to be designated under Subsection 53-2d-403  
1875 (1)(a); and
- 1876 (c) emergency medical service personnel.
- 1877 (15) "Emergency medical services" means:
- 1878 (a) medical services;
- 1879 (b) transportation services;
- 1880 (c) behavioral emergency services; or
- 1881 (d) any combination of the services described in Subsections (15)(a) through (c).
- 1882 (16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1883 (a) maintained and used for the transportation of emergency medical personnel,  
1884 equipment, and supplies to the scene of a medical emergency; and
- 1885 (b) required to be permitted under Section 53-2d-404.
- 1886 (17) "Governing body":
- 1887 (a) means the same as that term is defined in Section 11-42-102; and
- 1888 (b) for purposes of a "special service district" under Section 11-42-102, means a special  
1889 service district that has been delegated the authority to select a provider under this  
1890 chapter by the special service district's legislative body or administrative control  
1891 board.
- 1892 (18) "Interested party" means:
- 1893 (a) a licensed or designated emergency medical services provider that provides  
1894 emergency medical services within or in an area that abuts an exclusive geographic  
1895 service area that is the subject of an application submitted pursuant to Part 5,  
1896 Ambulance and Paramedic Providers;
- 1897 (b) any municipality, county, or fire district that lies within or abuts a geographic service  
1898 area that is the subject of an application submitted pursuant to Part 5, Ambulance and  
1899 Paramedic Providers; or
- 1900 (c) the department when acting in the interest of the public.



- 1901 (19) "Level of service" means the level at which an ambulance provider type of service is  
1902 licensed as:
- 1903 (a) emergency medical technician;  
1904 (b) advanced emergency medical technician; or  
1905 (c) paramedic.
- 1906 (20) "Medical control" means a person who provides medical supervision to an emergency  
1907 medical service provider.
- 1908 (21) "Non-911 service" means transport of a patient that is not 911 transport under  
1909 Subsection (1).
- 1910 (22) "Nonemergency secured behavioral health transport" means an entity that:
- 1911 (a) provides nonemergency secure transportation services for an individual who:
- 1912 (i) is not required to be transported by an ambulance under Section 53-2d-405; and  
1913 (ii) requires behavioral health observation during transport between any of the  
1914 following facilities:
- 1915 (A) a licensed acute care hospital;  
1916 (B) an emergency patient receiving facility;  
1917 (C) a licensed mental health facility; and  
1918 (D) the office of a licensed health care provider; and
- 1919 (b) is required to be designated under Section 53-2d-403.
- 1920 (23) "Paramedic provider" means an entity that:
- 1921 (a) employs emergency medical service personnel; and  
1922 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1923 (24) "Patient" means an individual who, as the result of illness, injury, or a behavioral  
1924 emergency condition, meets any of the criteria in Section ~~[26B-4-119]~~ 53-2d-405.
- 1925 (25) "Political subdivision" means:
- 1926 (a) a city or town;  
1927 (b) a county;  
1928 (c) a special service district created under Title 17D, Chapter 1, Special Service District  
1929 Act, for the purpose of providing fire protection services under Subsection 17D-1-201  
1930 (9);  
1931 (d) a special district created under Title 17B, Limited Purpose Local Government  
1932 Entities - Special Districts, for the purpose of providing fire protection, paramedic,  
1933 and emergency services;  
1934 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

- 1935 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1936 (26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's
- 1937 heart stops or fails to produce a pulse.
- 1938 (27) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 1939 (28) "Trauma system" means a single, statewide system that:
- 1940 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 1941 areas from the time of injury through transport and rehabilitative care; and
- 1942 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 1943 delivering care for trauma patients, regardless of severity.
- 1944 (29) "Triage" means the sorting of patients in terms of disposition, destination, or priority.
- 1945 For prehospital trauma victims, triage requires a determination of injury severity to
- 1946 assess the appropriate level of care according to established patient care protocols.
- 1947 (30) "Triage, treatment, transportation, and transfer guidelines" means written procedures
- 1948 that:
- 1949 (a) direct the care of patients; and
- 1950 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
- 1951 center, or an emergency medical service provider.
- 1952 (31) "Type of service" means the category at which an ambulance provider is licensed as:
- 1953 (a) ground ambulance transport;
- 1954 (b) ground ambulance interfacility transport; or
- 1955 (c) both ground ambulance transport and ground ambulance interfacility transport.
- 1956 Section 18. Section **53E-3-301** is amended to read:
- 1957 **53E-3-301 . Appointment -- Qualifications -- Duties.**
- 1958 (1)(a) The state board shall appoint a state superintendent of public instruction, who is
- 1959 the executive officer of the state board and serves at the pleasure of the state board.
- 1960 (b) The state board shall appoint the state superintendent on the basis of outstanding
- 1961 professional qualifications.
- 1962 (c) The state superintendent shall administer all programs assigned to the state board in
- 1963 accordance with the policies and the standards established by the state board.
- 1964 (2) The state board shall, with the state superintendent, develop a statewide education
- 1965 strategy focusing on core academics, including the development of:
- 1966 (a) core standards for Utah public schools and graduation requirements;
- 1967 (b) a process to select model instructional materials that best correlate with the core
- 1968 standards for Utah public schools and graduation requirements that are supported by

- 1969 generally accepted scientific standards of evidence;
- 1970 (c) professional development programs for teachers, superintendents, and principals;
- 1971 (d) model remediation programs;
- 1972 (e) a model method for creating individual student learning targets, and a method of
- 1973 measuring an individual student's performance toward those targets;
- 1974 (f) progress-based assessments for ongoing performance evaluations of school districts
- 1975 and schools;
- 1976 (g) incentives to achieve the desired outcome of individual student progress in core
- 1977 academics that do not create disincentives for setting high goals for the students;
- 1978 (h) an annual report card for school and school district performance, measuring learning
- 1979 and reporting progress-based assessments;
- 1980 (i) a systematic method to encourage innovation in schools and school districts as each
- 1981 strives to achieve improvement in performance; and
- 1982 (j) a method for identifying and sharing best demonstrated practices across school
- 1983 districts and schools.
- 1984 (3) The state superintendent shall perform duties assigned by the state board, including:
- 1985 (a) investigating all matters pertaining to the public schools;
- 1986 (b) adopting and keeping an official seal to authenticate the state superintendent's
- 1987 official acts;
- 1988 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 1989 (d) collecting and organizing education data into an automated decision support system
- 1990 to facilitate school district and school improvement planning, accountability
- 1991 reporting, performance recognition, and the evaluation of educational policy and
- 1992 program effectiveness to include:
- 1993 (i) data that are:
- 1994 (A) comparable across schools and school districts;
- 1995 (B) appropriate for use in longitudinal studies; and
- 1996 (C) comprehensive with regard to the data elements required under applicable
- 1997 state or federal law or state board rule;
- 1998 (ii) features that enable users, most particularly school administrators, teachers, and
- 1999 parents, to:
- 2000 (A) retrieve school and school district level data electronically;
- 2001 (B) interpret the data visually; and
- 2002 (C) draw conclusions that are statistically valid; and

- 2003 (iii) procedures for the collection and management of education data that:
- 2004 (A) require the state superintendent to:
- 2005 (I) collaborate with school districts and charter schools in designing and
- 2006 implementing uniform data standards and definitions;
- 2007 (II) undertake or sponsor research to implement improved methods for
- 2008 analyzing education data;
- 2009 (III) provide for data security to prevent unauthorized access to or
- 2010 contamination of the data; and
- 2011 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 2012 (B) require all school districts and schools to comply with the data collection and
- 2013 management procedures established under this Subsection (3)(d);
- 2014 (e) administering and implementing federal educational programs in accordance with
- 2015 Part 8, Implementing Federal or National Education Programs; and
- 2016 (f) with the approval of the state board, preparing and submitting to the governor a
- 2017 budget for the state board to be included in the budget that the governor submits to
- 2018 the Legislature.
- 2019 ~~[(4) The state superintendent shall distribute funds deposited in the Autism Awareness~~
- 2020 ~~Restricted Account created in Section 53F-9-401 in accordance with the requirements of~~
- 2021 ~~Section 53F-9-401.]~~
- 2022 ~~[(5)]~~ (4) Upon leaving office, the state superintendent shall deliver to the state
- 2023 superintendent's successor all books, records, documents, maps, reports, papers, and
- 2024 other articles pertaining to the state superintendent's office.
- 2025 Section 19. Section **53G-6-1004** is amended to read:
- 2026 **53G-6-1004 . Eligibility for interscholastic activities.**
- 2027 (1)(a) Notwithstanding any state board rule or policy of an athletic association, and
- 2028 except as provided in Subsections (1)(b) and (c):
- 2029 (i) once a student has obtained the eligibility approval of the commission under
- 2030 Subsection (2), the student may participate in a gender-designated interscholastic
- 2031 activity that does not correspond with the sex designation on the student's birth
- 2032 certificate; and
- 2033 (ii) if a student does not obtain the eligibility approval of the commission under
- 2034 Subsection (2), the student may not participate in a gender-designated
- 2035 interscholastic activity that does not correspond with the sex designation on the
- 2036 student's birth certificate.

- 2037 (b) A student who has undergone or is undergoing a gender transition shall obtain the  
2038 eligibility approval of the commission under Subsection (2) to participate in a  
2039 gender-designated interscholastic activity that corresponds with the student's gender  
2040 identity.
- 2041 (c) Nothing in this subsection prohibits a student from participating in a  
2042 gender-designated interscholastic activity in accordance with 34 C.F.R. Sec.  
2043 106.41(b).
- 2044 (2)(a) When a student registers with an athletic association to participate in a  
2045 gender-designated interscholastic activity:
- 2046 (i) a student who has undergone or is undergoing a gender transition shall notify the  
2047 athletic association of the student's transition and the need for the commission's  
2048 eligibility approval as described in Subsection (1)(b);
- 2049 (ii) the athletic association shall notify the commission of:
- 2050 (A) a student for whom an eligibility determination of the commission is required  
2051 due to the sex designation on the student's birth certificate not corresponding  
2052 with the gender designation of the gender-designated interscholastic activity in  
2053 which the student seeks to participate or the student's notice of a gender  
2054 transition under Subsection [~~(1)(a)(ii)~~] (1)(b); and
- 2055 (B) the association's ad hoc appointment to the commission described in  
2056 Subsection 53G-6-1003(2)(a)(iv); and
- 2057 (iii) the athletic association shall notify the student described in this Subsection (2)(a)  
2058 regarding the process for determining the student's eligibility for the activity under  
2059 this section.
- 2060 (b) The commission shall:
- 2061 (i) schedule a non-public meeting to consider a student's eligibility to be held within  
2062 30 days after the day on which the commission receives the notification described  
2063 in Subsection (2)(a); and
- 2064 (ii) notify the relevant athletic association and the student's parents or legal guardians  
2065 of the scheduled meeting.
- 2066 (c) Before the meeting described in Subsection (2)(b):
- 2067 (i) the student for whom the commission has scheduled the meeting or the student's  
2068 parent or guardian is not required but may submit to the commission any  
2069 information the student wishes to disclose to the commission that may be relevant  
2070 to the commission's eligibility determination, including information regarding:

- 2071 (A) the gender-designated interscholastic activities for which the student seeks  
2072 eligibility;
- 2073 (B) the gender-designated interscholastic activities in which the student has  
2074 previously participated; and
- 2075 (C) the student's physical characteristics or medical treatments that support the  
2076 student's eligibility for the specific gender-designated interscholastic activity;
- 2077 (ii) the commission may request additional evidence from the student that is:
- 2078 (A) limited to the extent possible to protect the student's privacy; and  
2079 (B) only directly relevant to the commission's eligibility determination; and
- 2080 (iii) the commission may offer the student a voucher to cover the cost of a diagnostic  
2081 assessment if the commission makes a request for medical information under  
2082 Subsection (2)(c)(ii) for which the student's insurance does not provide coverage  
2083 or reimbursement for the diagnostic that:
- 2084 (A) would provide the requested information; and  
2085 (B) is not free or otherwise readily available to the student.
- 2086 (d) During the meeting described in Subsection (2)(b):
- 2087 (i) only the following individuals may be present or participate electronically:
- 2088 (A) the student for whom the commission is meeting to make an eligibility  
2089 determination;
- 2090 (B) the student's parents or guardians;
- 2091 (C) the members and necessary staff of the commission; and  
2092 (D) any medical professionals or other witnesses the student chooses to include to  
2093 support the student's eligibility;
- 2094 (ii) attendees may participate in person or electronically; and
- 2095 (iii) the commission shall:
- 2096 (A) hear the information that supports the student's eligibility;
- 2097 (B) deliberate the facts relevant to the student's physical characteristics and  
2098 eligibility in camera or otherwise after temporarily excusing from the meeting  
2099 the student, the student's parents or legal guardians, and any medical  
2100 professionals or other witnesses whom the student includes; and
- 2101 (C) render the commission's eligibility determination in accordance with  
2102 Subsection (3) or request additional information and schedule an additional  
2103 commission meeting to be held within 30 days of the meeting and in  
2104 accordance with this Subsection (2)(d) to discuss the additional information

- 2105 and render the commission's eligibility determination.
- 2106 (e) The commission may not address the commission's application or analysis of or  
2107 determination under this part regarding the eligibility of a specific student in a public  
2108 meeting or public communication.
- 2109 (3)(a) In making an eligibility determination, the commission, after considering whether  
2110 the student's assertion of a gender identity is consistent with the statutory definition  
2111 of gender identity as that term is defined in Section 34A-5-102, including the  
2112 implications for the student's mental health of participating in the gender-designated  
2113 interscholastic activity, shall:
- 2114 (i) make a determination regarding whether, when measured against the relevant  
2115 baseline range described in Subsection 53G-6-1003(8), granting the student's  
2116 eligibility would:
- 2117 (A) present a substantial safety risk to the student or others that is significantly  
2118 greater than the inherent risks of the given activity; or
- 2119 (B) likely give the student a material competitive advantage when compared to  
2120 students of the same age competing in the relevant gender-designated activity,  
2121 including consideration of the student's previous history of participation in  
2122 gender-designated interscholastic activities; and
- 2123 (ii) record the commission's decision and rationale in writing and provide the written  
2124 decision to the athletic [~~commission~~] association within 30 days after the day on  
2125 which the commission renders an eligibility decision under this Subsection (3)(a)  
2126 in a meeting described in Subsection (2)(b).
- 2127 (b) Upon receipt of the commission's determination and rationale under Subsection  
2128 (3)(a), the athletic [~~commission~~] association shall notify the student and the relevant  
2129 school or LEA of the commission's determination and rationale.
- 2130 (c) A school or LEA shall comply with the commission's determination under this  
2131 Subsection (3).
- 2132 (4)(a) Notwithstanding any other provision of law and except as provided in Subsections  
2133 (3)(b) and (4)(b), the commission may not disclose:
- 2134 (i) the name of a student whose eligibility the commission will consider, is  
2135 considering, or has considered; or
- 2136 (ii) the commission's determination regarding a student's eligibility.
- 2137 (b) The commission shall disclose the commission's determination of a student's  
2138 eligibility for a given gender-designated interscholastic activity to the relevant

2139 athletic association, only for the purpose of confirming whether the student is eligible  
2140 for the interscholastic activity.

2141 (c)(i) Notwithstanding any other provision of law, an athletic association may not  
2142 disclose the information described in Subsections (4)(a)(i) and (ii).

2143 (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming  
2144 that a student is eligible if the eligibility of a student is questioned.

2145 Section 20. Section **58-11a-102** is amended to read:

2146 **58-11a-102 . Definitions.**

2147 As used in this chapter:

2148 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that  
2149 meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection  
2150 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the  
2151 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
2152 Administrative Rulemaking Act.

2153 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the  
2154 requirements of Subsection 58-11a-306(4) and the requirements established by rule by  
2155 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
2156 Utah Administrative Rulemaking Act.

2157 (3) "Approved eyelash and eyebrow technician apprenticeship" means an apprenticeship  
2158 that meets the requirements of Subsection 58-11a-306(7) and the requirements  
2159 established by rule by the division in collaboration with the board in accordance with  
2160 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2161 (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the  
2162 requirements of Subsection 58-11a-306(3) and the requirements established by rule by  
2163 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
2164 Utah Administrative Rulemaking Act.

2165 (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets the  
2166 requirements of Subsection 58-11a-306(5) and the requirements established by rule by  
2167 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
2168 Utah Administrative Rulemaking Act.

2169 (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the  
2170 requirements of Subsection 58-11a-306(6) and the requirements established by rule by  
2171 the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
2172 Utah Administrative Rulemaking Act.



- 2173 (7) "Barber" means a person who is licensed under this chapter to engage in the practice of  
2174 barbering.
- 2175 (8) "Barber instructor" means a barber who is licensed under this chapter to engage in the  
2176 practice of barbering instruction.
- 2177 (9) "Board" means the Cosmetology and Associated Professions Licensing Board created in  
2178 Section 58-11a-201.
- 2179 (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section  
2180 58-67-102.
- 2181 (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.
- 2182 (12) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in  
2183 the practice of cosmetology/barbering.
- 2184 (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under  
2185 this chapter to engage in the practice of cosmetology/barbering instruction.
- 2186 (14) "Direct supervision" means that the supervisor of an apprentice or the instructor of a  
2187 student is physically present in the same building as the apprentice or student and readily  
2188 able to establish direct contact with the apprentice or student for consultation, advice,  
2189 instruction, and evaluation.
- 2190 (15) "Electrologist" means a person who is licensed under this chapter to engage in the  
2191 practice of electrology.
- 2192 (16) "Electrologist instructor" means an electrologist who is licensed under this chapter to  
2193 engage in the practice of electrology instruction.
- 2194 (17) "Esthetician" means a person who is licensed under this chapter to engage in the  
2195 practice of esthetics.
- 2196 (18) "Esthetician instructor" means a master esthetician who is licensed under this chapter  
2197 to engage in the practice of esthetics instruction.
- 2198 (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter  
2199 to engage in the practice of eyelash and eyebrow technology.
- 2200 (20) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow technician  
2201 licensed under this chapter to engage in the practice of eyelash and eyebrow technology  
2202 instruction.
- 2203 (21) "Fund" means the Cosmetology and Associated Professions Education and  
2204 Enforcement Fund created in Section 58-11a-103.
- 2205 (22)(a) "Hair braiding" means the twisting, weaving, or interweaving of a person's  
2206 natural human hair.

- 2207 (b) "Hair braiding" includes the following methods or styles:
- 2208 (i) African-style braiding;
- 2209 (ii) box braids;
- 2210 (iii) cornrows;
- 2211 (iv) dreadlocks;
- 2212 (v) french braids;
- 2213 (vi) invisible braids;
- 2214 (vii) micro braids;
- 2215 (viii) single braids;
- 2216 (ix) single plaits;
- 2217 (x) twists;
- 2218 (xi) visible braids;
- 2219 (xii) the use of lock braids;
- 2220 (xiii) the use of decorative beads, accessories, and extensions; and
- 2221 (xiv) the use of wefts if applied without the use of glue or tape.
- 2222 (c) "Hair braiding" does not include:
- 2223 (i) the use of:
- 2224 (A) wefts if applied with the use of glue or tape;
- 2225 (B) synthetic tape;
- 2226 (C) synthetic glue;
- 2227 (D) keratin bonds;
- 2228 (E) fusion bonds; or
- 2229 (F) heat tools;
- 2230 (ii) the cutting of human hair; or
- 2231 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 2232 (A) alter the color of the hair; or
- 2233 (B) straighten, curl, or alter the structure of the hair.
- 2234 (23) "Hair designer" means a person who is licensed under this chapter to engage in the
- 2235 practice of hair design.
- 2236 (24) "Hair designer instructor" means a hair designer who is licensed under this chapter to
- 2237 engage in the practice of hair design instruction.
- 2238 (25) "Licensed barber or cosmetology/barber school" means a barber or cosmetology/barber
- 2239 school licensed under this chapter.
- 2240 (26) "Licensed electrology school" means an electrology school licensed under this chapter.

- 2241 (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 2242 (28) "Licensed hair design school" means a hair design school licensed under this chapter.
- 2243 (29) "Licensed nail technology school" means a nail technology school licensed under this  
2244 chapter.
- 2245 (30) "Master esthetician" means an individual who is licensed under this chapter to engage  
2246 in the practice of master-level esthetics.
- 2247 (31) "Nail technician" means an individual who is licensed under this chapter to engage in  
2248 the practice of nail technology.
- 2249 (32) "Nail technician instructor" means a nail technician licensed under this chapter to  
2250 engage in the practice of nail technology instruction.
- 2251 (33) "Practice of barbering" means:
- 2252 (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
2253 scissors, shears, clippers, or other appliances;
- 2254 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 2255 (c) removing hair from the face or neck of a person by the use of shaving equipment; and  
2256 (d) when providing other services described in this Subsection (33), gently massaging  
2257 the head, back of the neck, and shoulders by manual or mechanical means.
- 2258 (34) "Practice of barbering instruction" means teaching the practice of barbering at a  
2259 licensed barber school, at any school licensed under this chapter or for an approved  
2260 barber apprenticeship.
- 2261 (35) "Practice of basic esthetics" means any one of the following skin care procedures done  
2262 on the body for cosmetic purposes and not for the treatment of medical, physical, or  
2263 mental ailments:
- 2264 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
2265 masks, manual extraction, including a comedone extractor, depilatories, waxes,  
2266 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or  
2267 pedicures, or callous removal by buffing or filing;
- 2268 (b) limited chemical exfoliation as defined by rule;
- 2269 (c) removing superfluous hair by means other than electrolysis, except that an individual  
2270 is not required to be licensed as an esthetician to engage in the practice of threading;
- 2271 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency  
2272 or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the  
2273 treatment of medical, physical, or mental ailments;
- 2274 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or

- 2275 applying eyelash or eyebrow extensions; or
- 2276 (f) except as provided in Subsection (35)(f)(i), cosmetic laser procedures under the
- 2277 direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
- 2278 following:
- 2279 (i) superfluous hair removal which shall be under indirect supervision;
- 2280 (ii) anti-aging resurfacing enhancements;
- 2281 (iii) photo rejuvenation; or
- 2282 (iv) tattoo removal.
- 2283 (36)(a) "Practice of cosmetology/barbering" means:
- 2284 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
- 2285 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the
- 2286 head of a person;
- 2287 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
- 2288 other appliances;
- 2289 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or
- 2290 eyebrows, applying eyelash or eyebrow extensions;
- 2291 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
- 2292 shaving equipment;
- 2293 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
- 2294 or both on the human head; or
- 2295 (vi) practicing hair weaving or hair fusing or servicing previously medically
- 2296 implanted hair.
- 2297 (b) The term "practice of cosmetology/barbering" includes:
- 2298 (i) the practice of barbering;
- 2299 (ii) the practice of basic esthetics;
- 2300 (iii) the practice of nail technology; and
- 2301 (iv) the practice of eyelash and eyebrow technology.
- 2302 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
- 2303 the practice of threading.
- 2304 (37) "Practice of cosmetology/barbering instruction" means teaching the practice of
- 2305 cosmetology/barbering:
- 2306 (a) at any school licensed under this chapter; or
- 2307 (b) for an approved cosmetologist/barber apprenticeship.
- 2308 (38) "Practice of electrology" means:

- 2309 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
2310 waxing, shaving, or tweezing; or
- 2311 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to  
2312 superfluous hair removal.
- 2313 (39) "Practice of electrolysis instruction" means teaching the practice of electrolysis at any  
2314 school licensed under this chapter.
- 2315 (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics or the  
2316 practice of master-level esthetics:
- 2317 (a) at any school licensed under this chapter; or
- 2318 (b) for an approved esthetician apprenticeship or an approved master esthetician  
2319 apprenticeship.
- 2320 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing,  
2321 tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or  
2322 eyebrow extensions.
- 2323 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice  
2324 of eyelash and eyebrow technology at any school licensed under this chapter or for an  
2325 approved eyelash and eyebrow technician apprenticeship.
- 2326 (43) "Practice of hair design" means:
- 2327 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing,  
2328 bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
2329 person;
- 2330 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,  
2331 shears, clippers, or other appliances;
- 2332 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or  
2333 both on the human head; or
- 2334 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted  
2335 hair.
- 2336 (44) "Practice of hair design instruction" means teaching the practice of hair design at any  
2337 school licensed under this chapter.
- 2338 (45)(a) "Practice of master-level esthetics" means:
- 2339 (i) any of the following when done for cosmetic purposes on the body and not for the  
2340 treatment of medical, physical, or mental ailments:
- 2341 (A) body wraps as defined by rule;
- 2342 (B) hydrotherapy as defined by rule;

- 2343 (C) chemical exfoliation as defined by rule;
- 2344 (D) advanced pedicures as defined by rule;
- 2345 (E) sanding, including microdermabrasion;
- 2346 (F) advanced extraction;
- 2347 (G) dermaplaning;
- 2348 (H) other esthetic preparations or procedures with the use of:
- 2349 (I) the hands; or
- 2350 (II) a mechanical or electrical apparatus which is approved for use by division
- 2351 rule for beautifying or similar work performed on the body for cosmetic
- 2352 purposes and not for the treatment of a medical, physical, or mental ailment;
- 2353 or
- 2354 (I) cosmetic laser procedures under the supervision of a cosmetic supervisor with
- 2355 a physician's evaluation before the procedure, as needed, unless specifically
- 2356 required under Section 58-1-506, and limited to the following:
- 2357 (I) superfluous hair removal;
- 2358 (II) anti-aging resurfacing enhancements;
- 2359 (III) photo rejuvenation; or
- 2360 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
- 2361 assistant's evaluation before the tattoo removal procedure, as required by
- 2362 Subsection 58-1-506(3)(a); and
- 2363 (ii) lymphatic massage by manual or other means as defined by rule.
- 2364 (b) Notwithstanding the provisions of Subsection (45)(a), a master-level esthetician may
- 2365 perform procedures listed in Subsection (45)(a)(i)[~~(H)~~] (I) if done under the
- 2366 supervision of a cosmetic supervisor acting within the scope of the cosmetic
- 2367 supervisor license.
- 2368 (c) The term "practice of master-level esthetics" includes:
- 2369 (i) the practice of esthetics, but an individual is not required to be licensed as an
- 2370 esthetician or master-level esthetician to engage in the practice of threading; and
- 2371 (ii) the practice of eyelash and eyebrow technology.
- 2372 (46)(a) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
- 2373 massage, or enhance the appearance of the hands, feet, and nails of an individual by
- 2374 the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams.
- 2375 (b) "Practice of nail technology" includes:
- 2376 (i) the application and removal of sculptured or artificial nails; and

- 2377 (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or  
2378 removing dead skin from the feet.
- 2379 (47) "Practice of nail technology instruction" means teaching the practice of nail technology  
2380 at any school licensed under this chapter or for an approved nail technician  
2381 apprenticeship.
- 2382 (48) "Recognized barber school" means a barber school located in a state other than Utah,  
2383 whose students, upon graduation, are recognized as having completed the educational  
2384 requirements for licensure in that state.
- 2385 (49) "Recognized cosmetology/barber school" means a cosmetology/barber school located  
2386 in a state other than Utah, whose students, upon graduation, are recognized as having  
2387 completed the educational requirements for licensure in that state.
- 2388 (50) "Recognized electrology school" means an electrology school located in a state other  
2389 than Utah, whose students, upon graduation, are recognized as having completed the  
2390 educational requirements for licensure in that state.
- 2391 (51) "Recognized esthetics school" means an esthetics school located in a state other than  
2392 Utah, whose students, upon graduation, are recognized as having completed the  
2393 educational requirements for licensure in that state.
- 2394 (52) "Recognized eyelash and eyebrow technology school" means an eyelash and eyebrow  
2395 technology school located in a state other than Utah, whose students, upon graduation,  
2396 are recognized as having completed the educational requirements for licensure in that  
2397 state.
- 2398 (53) "Recognized hair design school" means a hair design school located in a state other  
2399 than Utah, whose students, upon graduation, are recognized as having completed the  
2400 educational requirements for licensure in that state.
- 2401 (54) "Recognized nail technology school" means a nail technology school located in a state  
2402 other than Utah, whose students, upon graduation, are recognized as having completed  
2403 the educational requirements for licensure in that state.
- 2404 (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering,  
2405 esthetics, electrology, nail technology, or eyelash and eyebrow technology is practiced.
- 2406 (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- 2407 (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and as  
2408 may be further defined by rule by the division in collaboration with the board in  
2409 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2410 Section 21. Section **59-2-1804** is amended to read:

- 2411           **59-2-1804 . Application for tax deferral or tax abatement.**
- 2412       (1)(a) Except as provided in Subsection (1)(b) or (2), an applicant for deferral or  
2413           abatement for the current tax year shall annually file an application on or before  
2414           September 1 with the county in which the applicant's property is located.
- 2415       (b) If a county finds good cause exists, the county may extend until December 31 the  
2416           deadline described in Subsection (1)(a).
- 2417       (c) An indigent individual may apply and potentially qualify for deferral, abatement, or  
2418           both.
- 2419       (2)[(a)] A county shall extend the default application deadline by one additional year if:
- 2420           (a) the applicant had been approved for a deferral under this part in the prior year; or  
2421           (b) the county determines that:
- 2422               (i) the applicant or a member of the applicant's immediate family had an illness or  
2423               injury that prevented the applicant from filing the application on or before the  
2424               default application deadline;
- 2425               (ii) a member of the applicant's immediate family died during the calendar year of the  
2426               default application deadline;
- 2427               (iii) the failure of the applicant to file the application on or before the default  
2428               application deadline was beyond the reasonable control of the applicant; or  
2429               (iv) denial of an application would be unjust or unreasonable.
- 2430       (3)(a) An applicant shall include in an application a signed statement that describes the  
2431           eligibility of the applicant for deferral or abatement.
- 2432       (b) For an application for a deferral under Section 59-2-1802.5, the requirements  
2433           described in Subsection (3)(a) include:
- 2434               (i) proof that the applicant resides at the single-family residence for which the  
2435               applicant seeks the deferral;
- 2436               (ii) proof of age; and  
2437               (iii) proof of household income.
- 2438       (4) Both spouses shall sign an application if the application seeks a deferral or abatement on  
2439           a residence:
- 2440               (a) in which both spouses reside; and  
2441               (b) that the spouses own as joint tenants.
- 2442       (5) If an applicant is dissatisfied with a county's decision on the applicant's application for  
2443           deferral or abatement, the applicant may appeal the decision to the commission in  
2444           accordance with Section 59-2-1006.



- 2445 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2446 commission may make rules to implement this section.
- 2447 Section 22. Section **59-2-1901** is amended to read:
- 2448 **59-2-1901 . Definitions.**
- 2449 As used in this section:
- 2450 (1) "Active component of the United States Armed Forces" means the same as that term is  
2451 defined in Section 59-10-1027.
- 2452 (2) "Active duty claimant" means a member of an active component of the United States  
2453 Armed Forces or a reserve component of the United States Armed Forces who:
- 2454 (a) performed qualifying active duty military service; and  
2455 (b) applies for an exemption described in Section 59-2-1902.
- 2456 (3) "Adjusted taxable value limit" means:
- 2457 (a) for the calendar year that begins on January 1, 2023, \$479,504; or  
2458 (b) for each calendar year after the calendar year that begins on January 1, 2023, the  
2459 amount of the adjusted taxable value limit for the previous year plus an amount  
2460 calculated by multiplying the amount of the adjusted taxable value limit for the  
2461 previous year by the actual percent change in the consumer price index during the  
2462 previous calendar year.
- 2463 (4) "Consumer price index" means the same as that term is described in Section 1(f)(4),  
2464 Internal Revenue Code, and defined in Section 1(f)(5), Internal Revenue Code.
- 2465 (5) "Deceased veteran with a disability" means a deceased individual who was a veteran  
2466 with a disability at the time the individual died.
- 2467 (6) "Military entity" means:
- 2468 (a) the United States Department of Veterans Affairs;  
2469 (b) an active component of the United States Armed Forces; or  
2470 (c) a reserve component of the United States Armed Forces.
- 2471 (7) "Primary residence" includes the residence of a individual who does not reside in the  
2472 residence if the individual:
- 2473 (a) does not reside in the residence because the individual is admitted as an inpatient at a  
2474 health care facility as defined in Section 26B-4-501; and  
2475 (b) otherwise meets the requirements of this part.
- 2476 (8) "Qualifying active duty military service" means at least 200 days, regardless of whether  
2477 consecutive, in any continuous 365-day period of active duty military service outside the  
2478 state in an active component of the United States Armed Forces or a reserve component

- 2479 of the United States Armed Forces, if the days of active duty military service:  
2480 (a) were completed in the year before an individual applies for an exemption described  
2481 in Section 59-2-1902; and  
2482 (b) have not previously been counted as qualifying active duty military service for  
2483 purposes of qualifying for an exemption described in Section 59-2-1902 or applying  
2484 for the exemption described in Section 59-2-1902.
- 2485 [~~(9)~~ "Statement of disability" means the statement of disability described in Section  
2486 ~~59-2-1904.~~]
- 2487 [~~(10)~~ (9) "Reserve component of the United States Armed Forces" means the same as that  
2488 term is defined in Section 59-10-1027.
- 2489 [~~(11)~~ (10) "Residence" means real property where an individual resides, including:  
2490 (a) a mobile home, as defined in Section 41-1a-102; or  
2491 (b) a manufactured home, as defined in Section 41-1a-102.
- 2492 (11) "Statement of disability" means the statement of disability described in Section  
2493 59-2-1904.
- 2494 (12) "Veteran claimant" means one of the following individuals who applies for an  
2495 exemption described in Section 59-2-1903:  
2496 (a) a veteran with a disability;  
2497 (b) the unmarried surviving spouse:  
2498 (i) of a deceased veteran with a disability; or  
2499 (ii) a veteran who was killed in action or died in the line of duty; or  
2500 (c) a minor orphan:  
2501 (i) of a deceased veteran with a disability; or  
2502 (ii) a veteran who was killed in action or died in the line of duty.
- 2503 (13) "Veteran who was killed in action or died in the line of duty" means an individual who  
2504 was killed in action or died in the line of duty in an active component of the United  
2505 States Armed Forces or a reserve component of the United States Armed Forces,  
2506 regardless of whether that individual had a disability at the time that individual was  
2507 killed in action or died in the line of duty.
- 2508 (14) "Veteran with a disability" means an individual with a disability who, during military  
2509 training or a military conflict, acquired a disability in the line of duty in an active  
2510 component of the United States Armed Forces or a reserve component of the United  
2511 States Armed Forces, as determined by a military entity.
- 2512 Section 23. Section **59-12-102** is amended to read:

2513 **59-12-102 . Definitions.**

2514 As used in this chapter:

2515 (1) "800 service" means a telecommunications service that:

2516 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

2517 (b) is typically marketed:

2518 (i) under the name 800 toll-free calling;

2519 (ii) under the name 855 toll-free calling;

2520 (iii) under the name 866 toll-free calling;

2521 (iv) under the name 877 toll-free calling;

2522 (v) under the name 888 toll-free calling; or

2523 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the  
2524 Federal Communications Commission.

2525 (2)(a) "900 service" means an inbound toll telecommunications service that:

2526 (i) a subscriber purchases;

2527 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to  
2528 the subscriber's:

2529 (A) prerecorded announcement; or

2530 (B) live service; and

2531 (iii) is typically marketed:

2532 (A) under the name 900 service; or

2533 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal  
2534 Communications Commission.

2535 (b) "900 service" does not include a charge for:

2536 (i) a collection service a seller of a telecommunications service provides to a  
2537 subscriber; or

2538 (ii) the following a subscriber sells to the subscriber's customer:

2539 (A) a product; or

2540 (B) a service.

2541 (3)(a) "Admission or user fees" includes season passes.

2542 (b) "Admission or user fees" does not include:

2543 (i) annual membership dues to private organizations; or

2544 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a  
2545 facility listed in Subsection 59-12-103(1)(f).

2546 (4) "Affiliate" or "affiliated person" means a person that, with respect to another person:

- 2547 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other  
2548 person; or
- 2549 (b) is related to the other person because a third person, or a group of third persons who  
2550 are affiliated persons with respect to each other, holds an ownership interest of more  
2551 than 5%, whether direct or indirect, in the related persons.
- 2552 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on  
2553 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax  
2554 Agreement after November 12, 2002.
- 2555 (6) "Agreement combined tax rate" means the sum of the tax rates:
- 2556 (a) listed under Subsection (7); and
- 2557 (b) that are imposed within a local taxing jurisdiction.
- 2558 (7) "Agreement sales and use tax" means a tax imposed under:
- 2559 (a) Subsection 59-12-103(2)(a)(i)(A);
- 2560 (b) Subsection 59-12-103(2)(b)(i);
- 2561 (c) Subsection 59-12-103(2)(c)(i);
- 2562 (d) Subsection 59-12-103(2)(d);
- 2563 (e) Subsection [~~59-12-103(2)(e)(i)(A)(I)~~] 59-12-103(2)(f)(i)(A)(I);
- 2564 (f) Section 59-12-204;
- 2565 (g) Section 59-12-401;
- 2566 (h) Section 59-12-402;
- 2567 (i) Section 59-12-402.1;
- 2568 (j) Section 59-12-703;
- 2569 (k) Section 59-12-802;
- 2570 (l) Section 59-12-804;
- 2571 (m) Section 59-12-1102;
- 2572 (n) Section 59-12-1302;
- 2573 (o) Section 59-12-1402;
- 2574 (p) Section 59-12-1802;
- 2575 (q) Section 59-12-2003;
- 2576 (r) Section 59-12-2103;
- 2577 (s) Section 59-12-2213;
- 2578 (t) Section 59-12-2214;
- 2579 (u) Section 59-12-2215;
- 2580 (v) Section 59-12-2216;

- 2581 (w) Section 59-12-2217;
- 2582 (x) Section 59-12-2218;
- 2583 (y) Section 59-12-2219; or
- 2584 (z) Section 59-12-2220.
- 2585 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 2586 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 2587 (a) except for:
- 2588 (i) an airline as defined in Section 59-2-102; or
- 2589 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
- 2590 includes a corporation that is qualified to do business but is not otherwise doing
- 2591 business in the state, of an airline; and
- 2592 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 2593 whether the business entity performs the following in this state:
- 2594 (i) check, diagnose, overhaul, and repair:
- 2595 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 2596 (B) the parts that comprise an onboard system of a fixed wing turbine powered
- 2597 aircraft;
- 2598 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered
- 2599 aircraft engine;
- 2600 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 2601 aircraft:
- 2602 (A) an inspection;
- 2603 (B) a repair, including a structural repair or modification;
- 2604 (C) changing landing gear; and
- 2605 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 2606 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft
- 2607 and completely apply new paint to the fixed wing turbine powered aircraft; and
- 2608 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 2609 results in a change in the fixed wing turbine powered aircraft's certification
- 2610 requirements by the authority that certifies the fixed wing turbine powered aircraft.
- 2611 (10) "Alcoholic beverage" means a beverage that:
- 2612 (a) is suitable for human consumption; and
- 2613 (b) contains .5% or more alcohol by volume.
- 2614 (11) "Alternative energy" means:

- 2615 (a) biomass energy;
- 2616 (b) geothermal energy;
- 2617 (c) hydroelectric energy;
- 2618 (d) solar energy;
- 2619 (e) wind energy; or
- 2620 (f) energy that is derived from:
- 2621 (i) coal-to-liquids;
- 2622 (ii) nuclear fuel;
- 2623 (iii) oil-impregnated diatomaceous earth;
- 2624 (iv) oil sands;
- 2625 (v) oil shale;
- 2626 (vi) petroleum coke; or
- 2627 (vii) waste heat from:
- 2628 (A) an industrial facility; or
- 2629 (B) a power station in which an electric generator is driven through a process in
- 2630 which water is heated, turns into steam, and spins a steam turbine.
- 2631 (12)(a) Subject to Subsection (12)(b), "alternative energy electricity production facility"
- 2632 means a facility that:
- 2633 (i) uses alternative energy to produce electricity; and
- 2634 (ii) has a production capacity of two megawatts or greater.
- 2635 (b) A facility is an alternative energy electricity production facility regardless of whether
- 2636 the facility is:
- 2637 (i) connected to an electric grid; or
- 2638 (ii) located on the premises of an electricity consumer.
- 2639 (13)(a) "Ancillary service" means a service associated with, or incidental to, the
- 2640 provision of telecommunications service.
- 2641 (b) "Ancillary service" includes:
- 2642 (i) a conference bridging service;
- 2643 (ii) a detailed communications billing service;
- 2644 (iii) directory assistance;
- 2645 (iv) a vertical service; or
- 2646 (v) a voice mail service.
- 2647 (14) "Area agency on aging" means the same as that term is defined in Section 26B-6-101.
- 2648 (15) "Assisted amusement device" means an amusement device, skill device, or ride device

- 2649 that is started and stopped by an individual:
- 2650 (a) who is not the purchaser or renter of the right to use or operate the amusement  
2651 device, skill device, or ride device; and
- 2652 (b) at the direction of the seller of the right to use the amusement device, skill device, or  
2653 ride device.
- 2654 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or  
2655 washing of tangible personal property if the cleaning or washing labor is primarily  
2656 performed by an individual:
- 2657 (a) who is not the purchaser of the cleaning or washing of the tangible personal property;  
2658 and
- 2659 (b) at the direction of the seller of the cleaning or washing of the tangible personal  
2660 property.
- 2661 (17) "Authorized carrier" means:
- 2662 (a) in the case of vehicles operated over public highways, the holder of credentials  
2663 indicating that the vehicle is or will be operated pursuant to both the International  
2664 Registration Plan and the International Fuel Tax Agreement;
- 2665 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating  
2666 certificate or air carrier's operating certificate; or
- 2667 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling  
2668 stock, a person who uses locomotives, freight cars, railroad work equipment, or other  
2669 rolling stock in more than one state.
- 2670 (18)(a) "Biomass energy" means any of the following that is used as the primary source  
2671 of energy to produce fuel or electricity:
- 2672 (i) material from a plant or tree; or
- 2673 (ii) other organic matter that is available on a renewable basis, including:
- 2674 (A) slash and brush from forests and woodlands;
- 2675 (B) animal waste;
- 2676 (C) waste vegetable oil;
- 2677 (D) methane or synthetic gas produced at a landfill, as a byproduct of the  
2678 treatment of wastewater residuals, or through the conversion of a waste  
2679 material through a nonincineration, thermal conversion process;
- 2680 (E) aquatic plants; and
- 2681 (F) agricultural products.
- 2682 (b) "Biomass energy" does not include:

- 2683 (i) black liquor; or  
2684 (ii) treated woods.
- 2685 (19)(a) "Bundled transaction" means the sale of two or more items of tangible personal  
2686 property, products, or services if the tangible personal property, products, or services  
2687 are:
- 2688 (i) distinct and identifiable; and  
2689 (ii) sold for one nonitemized price.
- 2690 (b) "Bundled transaction" does not include:
- 2691 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on  
2692 the basis of the selection by the purchaser of the items of tangible personal  
2693 property included in the transaction;
- 2694 (ii) the sale of real property;
- 2695 (iii) the sale of services to real property;
- 2696 (iv) the retail sale of tangible personal property and a service if:
- 2697 (A) the tangible personal property:
- 2698 (I) is essential to the use of the service; and  
2699 (II) is provided exclusively in connection with the service; and  
2700 (B) the service is the true object of the transaction;
- 2701 (v) the retail sale of two services if:
- 2702 (A) one service is provided that is essential to the use or receipt of a second  
2703 service;
- 2704 (B) the first service is provided exclusively in connection with the second service;  
2705 and
- 2706 (C) the second service is the true object of the transaction;
- 2707 (vi) a transaction that includes tangible personal property or a product subject to  
2708 taxation under this chapter and tangible personal property or a product that is not  
2709 subject to taxation under this chapter if the:
- 2710 (A) seller's purchase price of the tangible personal property or product subject to  
2711 taxation under this chapter is de minimis; or  
2712 (B) seller's sales price of the tangible personal property or product subject to  
2713 taxation under this chapter is de minimis; and
- 2714 (vii) the retail sale of tangible personal property that is not subject to taxation under  
2715 this chapter and tangible personal property that is subject to taxation under this  
2716 chapter if:



- 2717 (A) that retail sale includes:
- 2718 (I) food and food ingredients;
- 2719 (II) a drug;
- 2720 (III) durable medical equipment;
- 2721 (IV) mobility enhancing equipment;
- 2722 (V) an over-the-counter drug;
- 2723 (VI) a prosthetic device; or
- 2724 (VII) a medical supply; and
- 2725 (B) subject to Subsection (19)(f):
- 2726 (I) the seller's purchase price of the tangible personal property subject to
- 2727 taxation under this chapter is 50% or less of the seller's total purchase price
- 2728 of that retail sale; or
- 2729 (II) the seller's sales price of the tangible personal property subject to taxation
- 2730 under this chapter is 50% or less of the seller's total sales price of that retail
- 2731 sale.
- 2732 (c)(i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or
- 2733 a service that is distinct and identifiable does not include:
- 2734 (A) packaging that:
- 2735 (I) accompanies the sale of the tangible personal property, product, or service;
- 2736 and
- 2737 (II) is incidental or immaterial to the sale of the tangible personal property,
- 2738 product, or service;
- 2739 (B) tangible personal property, a product, or a service provided free of charge with
- 2740 the purchase of another item of tangible personal property, a product, or a
- 2741 service; or
- 2742 (C) an item of tangible personal property, a product, or a service included in the
- 2743 definition of "purchase price."
- 2744 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
- 2745 product, or a service is provided free of charge with the purchase of another item
- 2746 of tangible personal property, a product, or a service if the sales price of the
- 2747 purchased item of tangible personal property, product, or service does not vary
- 2748 depending on the inclusion of the tangible personal property, product, or service
- 2749 provided free of charge.
- 2750 (d)(i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price

- 2751 does not include a price that is separately identified by tangible personal property,  
2752 product, or service on the following, regardless of whether the following is in  
2753 paper format or electronic format:
- 2754 (A) a binding sales document; or
  - 2755 (B) another supporting sales-related document that is available to a purchaser.
- 2756 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another  
2757 supporting sales-related document that is available to a purchaser includes:
- 2758 (A) a bill of sale;
  - 2759 (B) a contract;
  - 2760 (C) an invoice;
  - 2761 (D) a lease agreement;
  - 2762 (E) a periodic notice of rates and services;
  - 2763 (F) a price list;
  - 2764 (G) a rate card;
  - 2765 (H) a receipt; or
  - 2766 (I) a service agreement.
- 2767 (e)(i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal  
2768 property or a product subject to taxation under this chapter is de minimis if:
- 2769 (A) the seller's purchase price of the tangible personal property or product is 10%  
2770 or less of the seller's total purchase price of the bundled transaction; or
  - 2771 (B) the seller's sales price of the tangible personal property or product is 10% or  
2772 less of the seller's total sales price of the bundled transaction.
- 2773 (ii) For purposes of Subsection (19)(b)(vi), a seller:
- 2774 (A) shall use the seller's purchase price or the seller's sales price to determine if  
2775 the purchase price or sales price of the tangible personal property or product  
2776 subject to taxation under this chapter is de minimis; and
  - 2777 (B) may not use a combination of the seller's purchase price and the seller's sales  
2778 price to determine if the purchase price or sales price of the tangible personal  
2779 property or product subject to taxation under this chapter is de minimis.
- 2780 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service  
2781 contract to determine if the sales price of tangible personal property or a product is  
2782 de minimis.
- 2783 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of the  
2784 seller's purchase price and the seller's sales price to determine if tangible personal

- 2785 property subject to taxation under this chapter is 50% or less of the seller's total  
2786 purchase price or sales price of that retail sale.
- 2787 (20) "Car sharing" means the same as that term is defined in Section 13-48a-101.
- 2788 (21) "Car-sharing program" means the same as that term is defined in Section 13-48a-101.
- 2789 (22) "Certified automated system" means software certified by the governing board of the  
2790 agreement that:
- 2791 (a) calculates the agreement sales and use tax imposed within a local taxing jurisdiction:
- 2792 (i) on a transaction; and
- 2793 (ii) in the states that are members of the agreement;
- 2794 (b) determines the amount of agreement sales and use tax to remit to a state that is a  
2795 member of the agreement; and
- 2796 (c) maintains a record of the transaction described in Subsection (22)(a)(i).
- 2797 (23) "Certified service provider" means an agent certified:
- 2798 (a) by the governing board of the agreement; and
- 2799 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax, as  
2800 outlined in the contract between the governing board of the agreement and the  
2801 certified service provider, other than the seller's obligation under Section 59-12-124  
2802 to remit a tax on the seller's own purchases.
- 2803 (24)(a) Subject to Subsection (24)(b), "clothing" means all human wearing apparel  
2804 suitable for general use.
- 2805 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2806 commission shall make rules:
- 2807 (i) listing the items that constitute "clothing"; and
- 2808 (ii) that are consistent with the list of items that constitute "clothing" under the  
2809 agreement.
- 2810 (25) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
- 2811 (26) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels  
2812 that does not constitute industrial use under Subsection (60) or residential use under  
2813 Subsection (115).
- 2814 (27)(a) "Common carrier" means a person engaged in or transacting the business of  
2815 transporting passengers, freight, merchandise, or other property for hire within this  
2816 state.
- 2817 (b)(i) "Common carrier" does not include a person that, at the time the person is  
2818 traveling to or from that person's place of employment, transports a passenger to

- 2819 or from the passenger's place of employment.
- 2820 (ii) For purposes of Subsection (27)(b)(i), in accordance with Title 63G, Chapter 3,  
2821 Utah Administrative Rulemaking Act, the commission may make rules defining  
2822 what constitutes a person's place of employment.
- 2823 (c) "Common carrier" does not include a person that provides transportation network  
2824 services, as defined in Section 13-51-102.
- 2825 (28) "Component part" includes:
- 2826 (a) poultry, dairy, and other livestock feed, and their components;  
2827 (b) baling ties and twine used in the baling of hay and straw;  
2828 (c) fuel used for providing temperature control of orchards and commercial greenhouses  
2829 doing a majority of their business in wholesale sales, and for providing power for  
2830 off-highway type farm machinery; and  
2831 (d) feed, seeds, and seedlings.
- 2832 (29) "Computer" means an electronic device that accepts information:
- 2833 (a)(i) in digital form; or  
2834 (ii) in a form similar to digital form; and  
2835 (b) manipulates that information for a result based on a sequence of instructions.
- 2836 (30) "Computer software" means a set of coded instructions designed to cause:
- 2837 (a) a computer to perform a task; or  
2838 (b) automatic data processing equipment to perform a task.
- 2839 (31) "Computer software maintenance contract" means a contract that obligates a seller of  
2840 computer software to provide a customer with:
- 2841 (a) future updates or upgrades to computer software;  
2842 (b) support services with respect to computer software; or  
2843 (c) a combination of Subsections (31)(a) and (b).
- 2844 (32)(a) "Conference bridging service" means an ancillary service that links two or more  
2845 participants of an audio conference call or video conference call.
- 2846 (b) "Conference bridging service" may include providing a telephone number as part of  
2847 the ancillary service described in Subsection (32)(a).
- 2848 (c) "Conference bridging service" does not include a telecommunications service used to  
2849 reach the ancillary service described in Subsection (32)(a).
- 2850 (33) "Construction materials" means any tangible personal property that will be converted  
2851 into real property.
- 2852 (34) "Delivered electronically" means delivered to a purchaser by means other than tangible

- 2853 storage media.
- 2854 (35)(a) "Delivery charge" means a charge:
- 2855 (i) by a seller of:
- 2856 (A) tangible personal property;
- 2857 (B) a product transferred electronically; or
- 2858 (C) a service; and
- 2859 (ii) for preparation and delivery of the tangible personal property, product transferred
- 2860 electronically, or services described in Subsection (35)(a)(i) to a location
- 2861 designated by the purchaser.
- 2862 (b) "Delivery charge" includes a charge for the following:
- 2863 (i) transportation;
- 2864 (ii) shipping;
- 2865 (iii) postage;
- 2866 (iv) handling;
- 2867 (v) crating; or
- 2868 (vi) packing.
- 2869 (36) "Detailed telecommunications billing service" means an ancillary service of separately
- 2870 stating information pertaining to individual calls on a customer's billing statement.
- 2871 (37) "Dietary supplement" means a product, other than tobacco, that:
- 2872 (a) is intended to supplement the diet;
- 2873 (b) contains one or more of the following dietary ingredients:
- 2874 (i) a vitamin;
- 2875 (ii) a mineral;
- 2876 (iii) an herb or other botanical;
- 2877 (iv) an amino acid;
- 2878 (v) a dietary substance for use by humans to supplement the diet by increasing the
- 2879 total dietary intake; or
- 2880 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 2881 described in Subsections (37)(b)(i) through (v);
- 2882 (c)(i) except as provided in Subsection (37)(c)(ii), is intended for ingestion in:
- 2883 (A) tablet form;
- 2884 (B) capsule form;
- 2885 (C) powder form;
- 2886 (D) softgel form;

- 2887 (E) gelcap form; or
- 2888 (F) liquid form; or
- 2889 (ii) if the product is not intended for ingestion in a form described in Subsections
- 2890 (37)(c)(i)(A) through (F), is not represented:
- 2891 (A) as conventional food; and
- 2892 (B) for use as a sole item of:
- 2893 (I) a meal; or
- 2894 (II) the diet; and
- 2895 (d) is required to be labeled as a dietary supplement:
- 2896 (i) identifiable by the "Supplemental Facts" box found on the label; and
- 2897 (ii) as required by 21 C.F.R. Sec. 101.36.
- 2898 (38)(a) "Digital audio work" means a work that results from the fixation of a series of
- 2899 musical, spoken, or other sounds.
- 2900 (b) "Digital audio work" includes a ringtone.
- 2901 (39) "Digital audio-visual work" means a series of related images which, when shown in
- 2902 succession, imparts an impression of motion, together with accompanying sounds, if any.
- 2903 (40) "Digital book" means a work that is generally recognized in the ordinary and usual
- 2904 sense as a book.
- 2905 (41)(a) "Direct mail" means printed material delivered or distributed by United States
- 2906 mail or other delivery service:
- 2907 (i) to:
- 2908 (A) a mass audience; or
- 2909 (B) addressees on a mailing list provided:
- 2910 (I) by a purchaser of the mailing list; or
- 2911 (II) at the discretion of the purchaser of the mailing list; and
- 2912 (ii) if the cost of the printed material is not billed directly to the recipients.
- 2913 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
- 2914 purchaser to a seller of direct mail for inclusion in a package containing the printed
- 2915 material.
- 2916 (c) "Direct mail" does not include multiple items of printed material delivered to a single
- 2917 address.
- 2918 (42) "Directory assistance" means an ancillary service of providing:
- 2919 (a) address information; or
- 2920 (b) telephone number information.

- 2921 (43)(a) "Disposable home medical equipment or supplies" means medical equipment or  
2922 supplies that:
- 2923 (i) cannot withstand repeated use; and  
2924 (ii) are purchased by, for, or on behalf of a person other than:  
2925 (A) a health care facility as defined in Section 26B-2-201;  
2926 (B) a health care provider as defined in Section 78B-3-403;  
2927 (C) an office of a health care provider described in Subsection (43)(a)(ii)(B); or  
2928 (D) a person similar to a person described in Subsections (43)(a)(ii)(A) through  
2929 (C).
- 2930 (b) "Disposable home medical equipment or supplies" does not include:  
2931 (i) a drug;  
2932 (ii) durable medical equipment;  
2933 (iii) a hearing aid;  
2934 (iv) a hearing aid accessory;  
2935 (v) mobility enhancing equipment; or  
2936 (vi) tangible personal property used to correct impaired vision, including:  
2937 (A) eyeglasses; or  
2938 (B) contact lenses.
- 2939 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2940 commission may by rule define what constitutes medical equipment or supplies.
- 2941 (44) "Drilling equipment manufacturer" means a facility:  
2942 (a) located in the state;  
2943 (b) with respect to which 51% or more of the manufacturing activities of the facility  
2944 consist of manufacturing component parts of drilling equipment;  
2945 (c) that uses pressure of 800,000 or more pounds per square inch as part of the  
2946 manufacturing process; and  
2947 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the  
2948 manufacturing process.
- 2949 (45)(a) "Drug" means a compound, substance, or preparation, or a component of a  
2950 compound, substance, or preparation that is:  
2951 (i) recognized in:  
2952 (A) the official United States Pharmacopoeia;  
2953 (B) the official Homeopathic Pharmacopoeia of the United States;  
2954 (C) the official National Formulary; or

- 2955 (D) a supplement to a publication listed in Subsections (45)(a)(i)(A) through (C);
- 2956 (ii) intended for use in the:
- 2957 (A) diagnosis of disease;
- 2958 (B) cure of disease;
- 2959 (C) mitigation of disease;
- 2960 (D) treatment of disease; or
- 2961 (E) prevention of disease; or
- 2962 (iii) intended to affect:
- 2963 (A) the structure of the body; or
- 2964 (B) any function of the body.
- 2965 (b) "Drug" does not include:
- 2966 (i) food and food ingredients;
- 2967 (ii) a dietary supplement;
- 2968 (iii) an alcoholic beverage; or
- 2969 (iv) a prosthetic device.
- 2970 (46)(a) "Durable medical equipment" means equipment that:
- 2971 (i) can withstand repeated use;
- 2972 (ii) is primarily and customarily used to serve a medical purpose;
- 2973 (iii) generally is not useful to a person in the absence of illness or injury; and
- 2974 (iv) is not worn in or on the body.
- 2975 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 2976 equipment described in Subsection (46)(a).
- 2977 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 2978 (47) "Electronic" means:
- 2979 (a) relating to technology; and
- 2980 (b) having:
- 2981 (i) electrical capabilities;
- 2982 (ii) digital capabilities;
- 2983 (iii) magnetic capabilities;
- 2984 (iv) wireless capabilities;
- 2985 (v) optical capabilities;
- 2986 (vi) electromagnetic capabilities; or
- 2987 (vii) capabilities similar to Subsections (47)(b)(i) through (vi).
- 2988 (48) "Electronic financial payment service" means an establishment:



- 2989 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and  
 2990 Clearinghouse Activities, of the 2012 North American Industry Classification System  
 2991 of the federal Executive Office of the President, Office of Management and Budget;  
 2992 and  
 2993 (b) that performs electronic financial payment services.
- 2994 (49) "Employee" means the same as that term is defined in Section 59-10-401.
- 2995 (50) "Fixed guideway" means a public transit facility that uses and occupies:  
 2996 (a) rail for the use of public transit; or  
 2997 (b) a separate right-of-way for the use of public transit.
- 2998 (51) "Fixed wing turbine powered aircraft" means an aircraft that:  
 2999 (a) is powered by turbine engines;  
 3000 (b) operates on jet fuel; and  
 3001 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 3002 (52) "Fixed wireless service" means a telecommunications service that provides radio  
 3003 communication between fixed points.
- 3004 (53)(a) "Food and food ingredients" means substances:  
 3005 (i) regardless of whether the substances are in:  
 3006 (A) liquid form;  
 3007 (B) concentrated form;  
 3008 (C) solid form;  
 3009 (D) frozen form;  
 3010 (E) dried form; or  
 3011 (F) dehydrated form; and  
 3012 (ii) that are:  
 3013 (A) sold for:  
 3014 (I) ingestion by humans; or  
 3015 (II) chewing by humans; and  
 3016 (B) consumed for the substance's:  
 3017 (I) taste; or  
 3018 (II) nutritional value.
- 3019 (b) "Food and food ingredients" includes an item described in Subsection (99)(b)(iii).
- 3020 (c) "Food and food ingredients" does not include:  
 3021 (i) an alcoholic beverage;  
 3022 (ii) tobacco; or

- 3023 (iii) prepared food.
- 3024 (54)(a) "Fundraising sales" means sales:
- 3025 (i)(A) made by a school; or
- 3026 (B) made by a school student;
- 3027 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 3028 materials, or provide transportation; and
- 3029 (iii) that are part of an officially sanctioned school activity.
- 3030 (b) For purposes of Subsection (54)(a)(iii), "officially sanctioned school activity" means
- 3031 a school activity:
- 3032 (i) that is conducted in accordance with a formal policy adopted by the school or
- 3033 school district governing the authorization and supervision of fundraising
- 3034 activities;
- 3035 (ii) that does not directly or indirectly compensate an individual teacher or other
- 3036 educational personnel by direct payment, commissions, or payment in kind; and
- 3037 (iii) the net or gross revenue from which is deposited in a dedicated account
- 3038 controlled by the school or school district.
- 3039 (55) "Geothermal energy" means energy contained in heat that continuously flows outward
- 3040 from the earth that is used as the sole source of energy to produce electricity.
- 3041 (56) "Governing board of the agreement" means the governing board of the agreement that
- 3042 is:
- 3043 (a) authorized to administer the agreement; and
- 3044 (b) established in accordance with the agreement.
- 3045 (57)(a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
- 3046 (i) the executive branch of the state, including all departments, institutions, boards,
- 3047 divisions, bureaus, offices, commissions, and committees;
- 3048 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
- 3049 Administrative Office of the Courts, and similar administrative units in the
- 3050 judicial branch;
- 3051 (iii) the legislative branch of the state, including the House of Representatives, the
- 3052 Senate, the Legislative Printing Office, the Office of Legislative Research and
- 3053 General Counsel, the Office of the Legislative Auditor General, and the Office of
- 3054 the Legislative Fiscal Analyst;
- 3055 (iv) the National Guard;
- 3056 (v) an independent entity as defined in Section 63E-1-102; or

- 3057 (vi) a political subdivision as defined in Section 17B-1-102.
- 3058 (b) "Governmental entity" does not include the state systems of public and higher  
3059 education, including:
- 3060 (i) a school;
- 3061 (ii) the State Board of Education;
- 3062 (iii) the Utah Board of Higher Education; or
- 3063 (iv) an institution of higher education described in Section 53B-1-102.
- 3064 (58) "Hydroelectric energy" means water used as the sole source of energy to produce  
3065 electricity.
- 3066 (59) "Individual-owned shared vehicle" means the same as that term is defined in Section  
3067 13-48a-101.
- 3068 (60) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other  
3069 fuels:
- 3070 (a) in mining or extraction of minerals;
- 3071 (b) in agricultural operations to produce an agricultural product up to the time of harvest  
3072 or placing the agricultural product into a storage facility, including:
- 3073 (i) commercial greenhouses;
- 3074 (ii) irrigation pumps;
- 3075 (iii) farm machinery;
- 3076 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered  
3077 under Title 41, Chapter 1a, Part 2, Registration; and
- 3078 (v) other farming activities;
- 3079 (c) in manufacturing tangible personal property at an establishment described in:
- 3080 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of  
3081 the federal Executive Office of the President, Office of Management and Budget;  
3082 or
- 3083 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North  
3084 American Industry Classification System of the federal Executive Office of the  
3085 President, Office of Management and Budget;
- 3086 (d) by a scrap recycler if:
- 3087 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to  
3088 process one or more of the following items into prepared grades of processed  
3089 materials for use in new products:
- 3090 (A) iron;

- 3091 (B) steel;
- 3092 (C) nonferrous metal;
- 3093 (D) paper;
- 3094 (E) glass;
- 3095 (F) plastic;
- 3096 (G) textile; or
- 3097 (H) rubber; and
- 3098 (ii) the new products under Subsection (60)(d)(i) would otherwise be made with
- 3099 nonrecycled materials; or
- 3100 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a
- 3101 cogeneration facility as defined in Section 54-2-1.
- 3102 (61)(a) "Installation charge" means a charge for installing:
- 3103 (i) tangible personal property; or
- 3104 (ii) a product transferred electronically.
- 3105 (b) "Installation charge" does not include a charge for:
- 3106 (i) repairs or renovations of:
- 3107 (A) tangible personal property; or
- 3108 (B) a product transferred electronically; or
- 3109 (ii) attaching tangible personal property or a product transferred electronically:
- 3110 (A) to other tangible personal property; and
- 3111 (B) as part of a manufacturing or fabrication process.
- 3112 (62) "Institution of higher education" means an institution of higher education listed in
- 3113 Section 53B-2-101.
- 3114 (63)(a) "Lease" or "rental" means a transfer of possession or control of tangible personal
- 3115 property or a product transferred electronically for:
- 3116 (i)(A) a fixed term; or
- 3117 (B) an indeterminate term; and
- 3118 (ii) consideration.
- 3119 (b) "Lease" or "rental" includes:
- 3120 (i) an agreement covering a motor vehicle and trailer if the amount of consideration
- 3121 may be increased or decreased by reference to the amount realized upon sale or
- 3122 disposition of the property as defined in Section 7701(h)(1), Internal Revenue
- 3123 Code; and
- 3124 (ii) car sharing.

- 3125 (c) "Lease" or "rental" does not include:
- 3126 (i) a transfer of possession or control of property under a security agreement or
- 3127 deferred payment plan that requires the transfer of title upon completion of the
- 3128 required payments;
- 3129 (ii) a transfer of possession or control of property under an agreement that requires
- 3130 the transfer of title:
- 3131 (A) upon completion of required payments; and
- 3132 (B) if the payment of an option price does not exceed the greater of:
- 3133 (I) \$100; or
- 3134 (II) 1% of the total required payments; or
- 3135 (iii) providing tangible personal property along with an operator for a fixed period of
- 3136 time or an indeterminate period of time if the operator is necessary for equipment
- 3137 to perform as designed.
- 3138 (d) For purposes of Subsection (63)(c)(iii), an operator is necessary for equipment to
- 3139 perform as designed if the operator's duties exceed the:
- 3140 (i) set-up of tangible personal property;
- 3141 (ii) maintenance of tangible personal property; or
- 3142 (iii) inspection of tangible personal property.
- 3143 (64) "Lesson" means a fixed period of time for the duration of which a trained instructor:
- 3144 (a) is present with a student in person or by video; and
- 3145 (b) actively instructs the student, including by providing observation or feedback.
- 3146 (65) "Life science establishment" means an establishment in this state that is classified
- 3147 under the following NAICS codes of the 2007 North American Industry Classification
- 3148 System of the federal Executive Office of the President, Office of Management and
- 3149 Budget:
- 3150 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
- 3151 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
- 3152 Manufacturing; or
- 3153 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
- 3154 (66) "Life science research and development facility" means a facility owned, leased, or
- 3155 rented by a life science establishment if research and development is performed in 51%
- 3156 or more of the total area of the facility.
- 3157 (67) "Load and leave" means delivery to a purchaser by use of a tangible storage media if
- 3158 the tangible storage media is not physically transferred to the purchaser.

- 3159 (68) "Local taxing jurisdiction" means a:
- 3160 (a) county that is authorized to impose an agreement sales and use tax;
- 3161 (b) city that is authorized to impose an agreement sales and use tax; or
- 3162 (c) town that is authorized to impose an agreement sales and use tax.
- 3163 (69) "Manufactured home" means the same as that term is defined in Section 15A-1-302.
- 3164 (70) "Manufacturing facility" means:
- 3165 (a) an establishment described in:
- 3166 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
- 3167 the federal Executive Office of the President, Office of Management and Budget;
- 3168 or
- 3169 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
- 3170 American Industry Classification System of the federal Executive Office of the
- 3171 President, Office of Management and Budget;
- 3172 (b) a scrap recycler if:
- 3173 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
- 3174 process one or more of the following items into prepared grades of processed
- 3175 materials for use in new products:
- 3176 (A) iron;
- 3177 (B) steel;
- 3178 (C) nonferrous metal;
- 3179 (D) paper;
- 3180 (E) glass;
- 3181 (F) plastic;
- 3182 (G) textile; or
- 3183 (H) rubber; and
- 3184 (ii) the new products under Subsection (70)(b)(i) would otherwise be made with
- 3185 nonrecycled materials; or
- 3186 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
- 3187 placed in service on or after May 1, 2006.
- 3188 (71)(a) "Marketplace" means a physical or electronic place, platform, or forum where
- 3189 tangible personal property, a product transferred electronically, or a service is offered
- 3190 for sale.
- 3191 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a dedicated
- 3192 sales software application.

- 3193 (72)(a) "Marketplace facilitator" means a person, including an affiliate of the person,  
3194 that enters into a contract, an agreement, or otherwise with sellers, for consideration,  
3195 to facilitate the sale of a seller's product through a marketplace that the person owns,  
3196 operates, or controls and that directly or indirectly:
- 3197 (i) does any of the following:
    - 3198 (A) lists, makes available, or advertises tangible personal property, a product  
3199 transferred electronically, or a service for sale by a marketplace seller on a  
3200 marketplace that the person owns, operates, or controls;
    - 3201 (B) facilitates the sale of a marketplace seller's tangible personal property, product  
3202 transferred electronically, or service by transmitting or otherwise  
3203 communicating an offer or acceptance of a retail sale between the marketplace  
3204 seller and a purchaser using the marketplace;
    - 3205 (C) owns, rents, licenses, makes available, or operates any electronic or physical  
3206 infrastructure or any property, process, method, copyright, trademark, or patent  
3207 that connects a marketplace seller to a purchaser for the purpose of making a  
3208 retail sale of tangible personal property, a product transferred electronically, or  
3209 a service;
    - 3210 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of  
3211 tangible personal property, a product transferred electronically, or a service,  
3212 regardless of ownership or control of the tangible personal property, the  
3213 product transferred electronically, or the service that is the subject of the retail  
3214 sale;
    - 3215 (E) provides software development or research and development activities related  
3216 to any activity described in this Subsection (72)(a)(i), if the software  
3217 development or research and development activity is directly related to the  
3218 person's marketplace;
    - 3219 (F) provides or offers fulfillment or storage services for a marketplace seller;
    - 3220 (G) sets prices for the sale of tangible personal property, a product transferred  
3221 electronically, or a service by a marketplace seller;
    - 3222 (H) provides or offers customer service to a marketplace seller or a marketplace  
3223 seller's purchaser or accepts or assists with taking orders, returns, or exchanges  
3224 of tangible personal property, a product transferred electronically, or a service  
3225 sold by a marketplace seller on the person's marketplace; or
    - 3226 (I) brands or otherwise identifies sales as those of the person; and

- 3227 (ii) does any of the following:
- 3228 (A) collects the sales price or purchase price of a retail sale of tangible personal
- 3229 property, a product transferred electronically, or a service;
- 3230 (B) provides payment processing services for a retail sale of tangible personal
- 3231 property, a product transferred electronically, or a service;
- 3232 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee,
- 3233 closing fee, a fee for inserting or making available tangible personal property, a
- 3234 product transferred electronically, or a service on the person's marketplace, or
- 3235 other consideration for the facilitation of a retail sale of tangible personal
- 3236 property, a product transferred electronically, or a service, regardless of
- 3237 ownership or control of the tangible personal property, the product transferred
- 3238 electronically, or the service that is the subject of the retail sale;
- 3239 (D) through terms and conditions, an agreement, or another arrangement with a
- 3240 third person, collects payment from a purchase for a retail sale of tangible
- 3241 personal property, a product transferred electronically, or a service and
- 3242 transmits that payment to the marketplace seller, regardless of whether the
- 3243 third person receives compensation or other consideration in exchange for the
- 3244 service; or
- 3245 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
- 3246 property, a product transferred electronically, or service offered for sale.
- 3247 (b) "Marketplace facilitator" does not include:
- 3248 (i) a person that only provides payment processing services; or
- 3249 (ii) a person described in Subsection (72)(a) to the extent the person is facilitating a
- 3250 sale for a seller that is a restaurant as defined in Section 59-12-602.
- 3251 (73) "Marketplace seller" means a seller that makes one or more retail sales through a
- 3252 marketplace that a marketplace facilitator owns, operates, or controls, regardless of
- 3253 whether the seller is required to be registered to collect and remit the tax under this part.
- 3254 (74) "Member of the immediate family of the producer" means a person who is related to a
- 3255 producer described in Subsection 59-12-104(20)(a) as a:
- 3256 (a) child or stepchild, regardless of whether the child or stepchild is:
- 3257 (i) an adopted child or adopted stepchild; or
- 3258 (ii) a foster child or foster stepchild;
- 3259 (b) grandchild or stepgrandchild;
- 3260 (c) grandparent or stepgrandparent;



- 3261 (d) nephew or stepnephew;  
3262 (e) niece or stepniece;  
3263 (f) parent or stepparent;  
3264 (g) sibling or stepsibling;  
3265 (h) spouse;  
3266 (i) person who is the spouse of a person described in Subsections (74)(a) through (g); or  
3267 (j) person similar to a person described in Subsections (74)(a) through (i) as determined  
3268 by the commission by rule made in accordance with Title 63G, Chapter 3, Utah  
3269 Administrative Rulemaking Act.
- 3270 (75) "Mobile home" means the same as that term is defined in Section 15A-1-302.
- 3271 (76) "Mobile telecommunications service" means the same as that term is defined in the  
3272 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 3273 (77)(a) "Mobile wireless service" means a telecommunications service, regardless of the  
3274 technology used, if:
- 3275 (i) the origination point of the conveyance, routing, or transmission is not fixed;  
3276 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or  
3277 (iii) the origination point described in Subsection (77)(a)(i) and the termination point  
3278 described in Subsection (77)(a)(ii) are not fixed.
- 3279 (b) "Mobile wireless service" includes a telecommunications service that is provided by  
3280 a commercial mobile radio service provider.
- 3281 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3282 commission may by rule define "commercial mobile radio service provider."
- 3283 (78)(a) "Mobility enhancing equipment" means equipment that is:
- 3284 (i) primarily and customarily used to provide or increase the ability to move from one  
3285 place to another;  
3286 (ii) appropriate for use in a:  
3287 (A) home; or  
3288 (B) motor vehicle; and  
3289 (iii) not generally used by persons with normal mobility.
- 3290 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of  
3291 the equipment described in Subsection (78)(a).
- 3292 (c) "Mobility enhancing equipment" does not include:
- 3293 (i) a motor vehicle;  
3294 (ii) equipment on a motor vehicle if that equipment is normally provided by the

- 3295 motor vehicle manufacturer;
- 3296 (iii) durable medical equipment; or
- 3297 (iv) a prosthetic device.
- 3298 (79) "Model 1 seller" means a seller registered under the agreement that has selected a
- 3299 certified service provider as the seller's agent to perform the seller's sales and use tax
- 3300 functions for agreement sales and use taxes, as outlined in the contract between the
- 3301 governing board of the agreement and the certified service provider, other than the
- 3302 seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.
- 3303 (80) "Model 2 seller" means a seller registered under the agreement that:
- 3304 (a) except as provided in Subsection (80)(b), has selected a certified automated system
- 3305 to perform the seller's sales tax functions for agreement sales and use taxes; and
- 3306 (b) retains responsibility for remitting all of the sales tax:
- 3307 (i) collected by the seller; and
- 3308 (ii) to the appropriate local taxing jurisdiction.
- 3309 (81)(a) Subject to Subsection (81)(b), "model 3 seller" means a seller registered under
- 3310 the agreement that has:
- 3311 (i) sales in at least five states that are members of the agreement;
- 3312 (ii) total annual sales revenue of at least \$500,000,000;
- 3313 (iii) a proprietary system that calculates the amount of tax:
- 3314 (A) for an agreement sales and use tax; and
- 3315 (B) due to each local taxing jurisdiction; and
- 3316 (iv) entered into a performance agreement with the governing board of the agreement.
- 3317 (b) For purposes of Subsection (81)(a), "model 3 seller" includes an affiliated group of
- 3318 sellers using the same proprietary system.
- 3319 (82) "Model 4 seller" means a seller that is registered under the agreement and is not a
- 3320 model 1 seller, model 2 seller, or model 3 seller.
- 3321 (83) "Modular home" means a modular unit as defined in Section 15A-1-302.
- 3322 (84) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 3323 (85) "Oil sands" means impregnated bituminous sands that:
- 3324 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
- 3325 other hydrocarbons, or otherwise treated;
- 3326 (b) yield mixtures of liquid hydrocarbon; and
- 3327 (c) require further processing other than mechanical blending before becoming finished
- 3328 petroleum products.

- 3329 (86) "Oil shale" means a group of fine black to dark brown shales containing kerogen  
3330 material that yields petroleum upon heating and distillation.
- 3331 (87) "Optional computer software maintenance contract" means a computer software  
3332 maintenance contract that a customer is not obligated to purchase as a condition to the  
3333 retail sale of computer software.
- 3334 (88)(a) "Other fuels" means products that burn independently to produce heat or energy.  
3335 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible  
3336 personal property.
- 3337 (89)(a) "Paging service" means a telecommunications service that provides transmission  
3338 of a coded radio signal for the purpose of activating a specific pager.  
3339 (b) For purposes of Subsection (89)(a), the transmission of a coded radio signal includes  
3340 a transmission by message or sound.
- 3341 (90) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
- 3342 (91) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 3343 (92)(a) "Permanently attached to real property" means that for tangible personal property  
3344 attached to real property:
- 3345 (i) the attachment of the tangible personal property to the real property:  
3346 (A) is essential to the use of the tangible personal property; and  
3347 (B) suggests that the tangible personal property will remain attached to the real  
3348 property in the same place over the useful life of the tangible personal  
3349 property; or
- 3350 (ii) if the tangible personal property is detached from the real property, the  
3351 detachment would:  
3352 (A) cause substantial damage to the tangible personal property; or  
3353 (B) require substantial alteration or repair of the real property to which the  
3354 tangible personal property is attached.
- 3355 (b) "Permanently attached to real property" includes:
- 3356 (i) the attachment of an accessory to the tangible personal property if the accessory is:  
3357 (A) essential to the operation of the tangible personal property; and  
3358 (B) attached only to facilitate the operation of the tangible personal property;
- 3359 (ii) a temporary detachment of tangible personal property from real property for a  
3360 repair or renovation if the repair or renovation is performed where the tangible  
3361 personal property and real property are located; or
- 3362 (iii) property attached to oil, gas, or water pipelines, except for the property listed in

- 3363 Subsection (92)(c)(iii) or (iv).
- 3364 (c) "Permanently attached to real property" does not include:
- 3365 (i) the attachment of portable or movable tangible personal property to real property
- 3366 if that portable or movable tangible personal property is attached to real property
- 3367 only for:
- 3368 (A) convenience;
- 3369 (B) stability; or
- 3370 (C) for an obvious temporary purpose;
- 3371 (ii) the detachment of tangible personal property from real property except for the
- 3372 detachment described in Subsection (92)(b)(ii);
- 3373 (iii) an attachment of the following tangible personal property to real property if the
- 3374 attachment to real property is only through a line that supplies water, electricity,
- 3375 gas, telecommunications, cable, or supplies a similar item as determined by the
- 3376 commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 3377 Administrative Rulemaking Act:
- 3378 (A) a computer;
- 3379 (B) a telephone;
- 3380 (C) a television; or
- 3381 (D) tangible personal property similar to Subsections (92)(c)(iii)(A) through (C)
- 3382 as determined by the commission by rule made in accordance with Title 63G,
- 3383 Chapter 3, Utah Administrative Rulemaking Act; or
- 3384 (iv) an item listed in Subsection (137)(c).
- 3385 (93) "Person" includes any individual, firm, partnership, joint venture, association,
- 3386 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
- 3387 municipality, district, or other local governmental entity of the state, or any group or
- 3388 combination acting as a unit.
- 3389 (94) "Place of primary use":
- 3390 (a) for telecommunications service other than mobile telecommunications service,
- 3391 means the street address representative of where the customer's use of the
- 3392 telecommunications service primarily occurs, which shall be:
- 3393 (i) the residential street address of the customer; or
- 3394 (ii) the primary business street address of the customer; or
- 3395 (b) for mobile telecommunications service, means the same as that term is defined in the
- 3396 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

- 3397 (95)(a) "Postpaid calling service" means a telecommunications service a person obtains  
3398 by making a payment on a call-by-call basis:
- 3399 (i) through the use of a:
- 3400 (A) bank card;
- 3401 (B) credit card;
- 3402 (C) debit card; or
- 3403 (D) travel card; or
- 3404 (ii) by a charge made to a telephone number that is not associated with the origination  
3405 or termination of the telecommunications service.
- 3406 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling  
3407 service, that would be a prepaid wireless calling service if the service were  
3408 exclusively a telecommunications service.
- 3409 (96) "Postproduction" means an activity related to the finishing or duplication of a medium  
3410 described in Subsection 59-12-104(54)(a).
- 3411 (97) "Prepaid calling service" means a telecommunications service:
- 3412 (a) that allows a purchaser access to telecommunications service that is exclusively  
3413 telecommunications service;
- 3414 (b) that:
- 3415 (i) is paid for in advance; and
- 3416 (ii) enables the origination of a call using an:
- 3417 (A) access number; or
- 3418 (B) authorization code;
- 3419 (c) that is dialed:
- 3420 (i) manually; or
- 3421 (ii) electronically; and
- 3422 (d) sold in predetermined units or dollars that decline:
- 3423 (i) by a known amount; and
- 3424 (ii) with use.
- 3425 (98) "Prepaid wireless calling service" means a telecommunications service:
- 3426 (a) that provides the right to utilize:
- 3427 (i) mobile wireless service; and
- 3428 (ii) other service that is not a telecommunications service, including:
- 3429 (A) the download of a product transferred electronically;
- 3430 (B) a content service; or

- 3431 (C) an ancillary service;
- 3432 (b) that:
- 3433 (i) is paid for in advance; and
- 3434 (ii) enables the origination of a call using an:
- 3435 (A) access number; or
- 3436 (B) authorization code;
- 3437 (c) that is dialed:
- 3438 (i) manually; or
- 3439 (ii) electronically; and
- 3440 (d) sold in predetermined units or dollars that decline:
- 3441 (i) by a known amount; and
- 3442 (ii) with use.
- 3443 (99)(a) "Prepared food" means:
- 3444 (i) food:
- 3445 (A) sold in a heated state; or
- 3446 (B) heated by a seller;
- 3447 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
- 3448 item; or
- 3449 (iii) except as provided in Subsection (99)(c), food sold with an eating utensil
- 3450 provided by the seller, including a:
- 3451 (A) plate;
- 3452 (B) knife;
- 3453 (C) fork;
- 3454 (D) spoon;
- 3455 (E) glass;
- 3456 (F) cup;
- 3457 (G) napkin; or
- 3458 (H) straw.
- 3459 (b) "Prepared food" does not include:
- 3460 (i) food that a seller only:
- 3461 (A) cuts;
- 3462 (B) repackages; or
- 3463 (C) pasteurizes;
- 3464 (ii)(A) the following:

- 3465 (I) raw egg;
- 3466 (II) raw fish;
- 3467 (III) raw meat;
- 3468 (IV) raw poultry; or
- 3469 (V) a food containing an item described in Subsections (99)(b)(ii)(A)(I)
- 3470 through (IV); and
- 3471 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of
- 3472 the Food and Drug Administration's Food Code that a consumer cook the items
- 3473 described in Subsection (99)(b)(ii)(A) to prevent food borne illness; or
- 3474 (iii) the following if sold without eating utensils provided by the seller:
- 3475 (A) food and food ingredients sold by a seller if the seller's proper primary
- 3476 classification under the 2002 North American Industry Classification System
- 3477 of the federal Executive Office of the President, Office of Management and
- 3478 Budget, is manufacturing in Sector 311, Food Manufacturing, except for
- 3479 Subsector 3118, Bakeries and Tortilla Manufacturing;
- 3480 (B) food and food ingredients sold in an unheated state:
- 3481 (I) by weight or volume; and
- 3482 (II) as a single item; or
- 3483 (C) a bakery item, including:
- 3484 (I) a bagel;
- 3485 (II) a bar;
- 3486 (III) a biscuit;
- 3487 (IV) bread;
- 3488 (V) a bun;
- 3489 (VI) a cake;
- 3490 (VII) a cookie;
- 3491 (VIII) a croissant;
- 3492 (IX) a danish;
- 3493 (X) a donut;
- 3494 (XI) a muffin;
- 3495 (XII) a pastry;
- 3496 (XIII) a pie;
- 3497 (XIV) a roll;
- 3498 (XV) a tart;

- 3499 (XVI) a torte; or  
3500 (XVII) a tortilla.
- 3501 (c) An eating utensil provided by the seller does not include the following used to  
3502 transport the food:
- 3503 (i) a container; or  
3504 (ii) packaging.
- 3505 (100) "Prescription" means an order, formula, or recipe that is issued:
- 3506 (a)(i) orally;  
3507 (ii) in writing;  
3508 (iii) electronically; or  
3509 (iv) by any other manner of transmission; and  
3510 (b) by a licensed practitioner authorized by the laws of a state.
- 3511 (101)(a) "Prewritten computer software" means computer software that is not designed  
3512 and developed:
- 3513 (i) by the author or other creator of the computer software; and  
3514 (ii) to the specifications of a specific purchaser.
- 3515 (b) "Prewritten computer software" includes:
- 3516 (i) a prewritten upgrade to computer software if the prewritten upgrade to the  
3517 computer software is not designed and developed:
- 3518 (A) by the author or other creator of the computer software; and  
3519 (B) to the specifications of a specific purchaser;
- 3520 (ii) computer software designed and developed by the author or other creator of the  
3521 computer software to the specifications of a specific purchaser if the computer  
3522 software is sold to a person other than the purchaser; or  
3523 (iii) except as provided in Subsection (101)(c), prewritten computer software or a  
3524 prewritten portion of prewritten computer software:
- 3525 (A) that is modified or enhanced to any degree; and  
3526 (B) if the modification or enhancement described in Subsection (101)(b)(iii)(A) is  
3527 designed and developed to the specifications of a specific purchaser.
- 3528 (c) "Prewritten computer software" does not include a modification or enhancement  
3529 described in Subsection (101)(b)(iii) if the charges for the modification or  
3530 enhancement are:
- 3531 (i) reasonable; and  
3532 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), separately stated on the



3533 invoice or other statement of price provided to the purchaser at the time of sale or  
3534 later, as demonstrated by:

- 3535 (A) the books and records the seller keeps at the time of the transaction in the  
3536 regular course of business, including books and records the seller keeps at the  
3537 time of the transaction in the regular course of business for nontax purposes;  
3538 (B) a preponderance of the facts and circumstances at the time of the transaction;  
3539 and  
3540 (C) the understanding of all of the parties to the transaction.

3541 (102)(a) "Private communications service" means a telecommunications service:

- 3542 (i) that entitles a customer to exclusive or priority use of one or more  
3543 communications channels between or among termination points; and  
3544 (ii) regardless of the manner in which the one or more communications channels are  
3545 connected.

3546 (b) "Private communications service" includes the following provided in connection  
3547 with the use of one or more communications channels:

- 3548 (i) an extension line;  
3549 (ii) a station;  
3550 (iii) switching capacity; or  
3551 (iv) another associated service that is provided in connection with the use of one or  
3552 more communications channels as defined in Section 59-12-215.

3553 (103)(a) "Product transferred electronically" means a product transferred electronically  
3554 that would be subject to a tax under this chapter if that product was transferred in a  
3555 manner other than electronically.

3556 (b) "Product transferred electronically" does not include:

- 3557 (i) an ancillary service;  
3558 (ii) computer software; or  
3559 (iii) a telecommunications service.

3560 (104)(a) "Prosthetic device" means a device that is worn on or in the body to:

- 3561 (i) artificially replace a missing portion of the body;  
3562 (ii) prevent or correct a physical deformity or physical malfunction; or  
3563 (iii) support a weak or deformed portion of the body.

3564 (b) "Prosthetic device" includes:

- 3565 (i) parts used in the repairs or renovation of a prosthetic device;  
3566 (ii) replacement parts for a prosthetic device;

- 3567 (iii) a dental prosthesis; or  
3568 (iv) a hearing aid.
- 3569 (c) "Prosthetic device" does not include:  
3570 (i) corrective eyeglasses; or  
3571 (ii) contact lenses.
- 3572 (105)(a) "Protective equipment" means an item:  
3573 (i) for human wear; and  
3574 (ii) that is:  
3575 (A) designed as protection:  
3576 (I) to the wearer against injury or disease; or  
3577 (II) against damage or injury of other persons or property; and  
3578 (B) not suitable for general use.
- 3579 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3580 commission shall make rules:  
3581 (i) listing the items that constitute "protective equipment"; and  
3582 (ii) that are consistent with the list of items that constitute "protective equipment"  
3583 under the agreement.
- 3584 (106)(a) For purposes of Subsection 59-12-104(41), "publication" means any written or  
3585 printed matter, other than a photocopy:  
3586 (i) regardless of:  
3587 (A) characteristics;  
3588 (B) copyright;  
3589 (C) form;  
3590 (D) format;  
3591 (E) method of reproduction; or  
3592 (F) source; and  
3593 (ii) made available in printed or electronic format.
- 3594 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3595 commission may by rule define the term "photocopy."
- 3596 (107)(a) "Purchase price" and "sales price" mean the total amount of consideration:  
3597 (i) valued in money; and  
3598 (ii) for which tangible personal property, a product transferred electronically, or  
3599 services are:  
3600 (A) sold;

- 3601 (B) leased; or  
3602 (C) rented.
- 3603 (b) "Purchase price" and "sales price" include:
- 3604 (i) the seller's cost of the tangible personal property, a product transferred  
3605 electronically, or services sold;
- 3606 (ii) expenses of the seller, including:
- 3607 (A) the cost of materials used;  
3608 (B) a labor cost;  
3609 (C) a service cost;  
3610 (D) interest;  
3611 (E) a loss;  
3612 (F) the cost of transportation to the seller; or  
3613 (G) a tax imposed on the seller;
- 3614 (iii) a charge by the seller for any service necessary to complete the sale; or  
3615 (iv) consideration a seller receives from a person other than the purchaser if:
- 3616 (A)(I) the seller actually receives consideration from a person other than the  
3617 purchaser; and  
3618 (II) the consideration described in Subsection (107)(b)(iv)(A)(I) is directly  
3619 related to a price reduction or discount on the sale;
- 3620 (B) the seller has an obligation to pass the price reduction or discount through to  
3621 the purchaser;
- 3622 (C) the amount of the consideration attributable to the sale is fixed and  
3623 determinable by the seller at the time of the sale to the purchaser; and
- 3624 (D)(I)(Aa) the purchaser presents a certificate, coupon, or other  
3625 documentation to the seller to claim a price reduction or discount; and  
3626 (Bb) a person other than the seller authorizes, distributes, or grants the  
3627 certificate, coupon, or other documentation with the understanding that  
3628 the person other than the seller will reimburse any seller to whom the  
3629 certificate, coupon, or other documentation is presented;
- 3630 (II) the purchaser identifies that purchaser to the seller as a member of a group  
3631 or organization allowed a price reduction or discount, except that a  
3632 preferred customer card that is available to any patron of a seller does not  
3633 constitute membership in a group or organization allowed a price reduction  
3634 or discount; or

- 3635 (III) the price reduction or discount is identified as a third party price reduction  
3636 or discount on the:  
3637 (Aa) invoice the purchaser receives; or  
3638 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 3639 (c) "Purchase price" and "sales price" do not include:  
3640 (i) a discount:  
3641 (A) in a form including:  
3642 (I) cash;  
3643 (II) term; or  
3644 (III) coupon;  
3645 (B) that is allowed by a seller;  
3646 (C) taken by a purchaser on a sale; and  
3647 (D) that is not reimbursed by a third party; or  
3648 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), the following if  
3649 separately stated on an invoice, bill of sale, or similar document provided to the  
3650 purchaser at the time of sale or later, as demonstrated by the books and records the  
3651 seller keeps at the time of the transaction in the regular course of business,  
3652 including books and records the seller keeps at the time of the transaction in the  
3653 regular course of business for nontax purposes, by a preponderance of the facts  
3654 and circumstances at the time of the transaction, and by the understanding of all of  
3655 the parties to the transaction:  
3656 (A) the following from credit extended on the sale of tangible personal property or  
3657 services:  
3658 (I) a carrying charge;  
3659 (II) a financing charge; or  
3660 (III) an interest charge;  
3661 (B) a delivery charge;  
3662 (C) an installation charge;  
3663 (D) a manufacturer rebate on a motor vehicle; or  
3664 (E) a tax or fee legally imposed directly on the consumer.
- 3665 (108) "Purchaser" means a person to whom:  
3666 (a) a sale of tangible personal property is made;  
3667 (b) a product is transferred electronically; or  
3668 (c) a service is furnished.

- 3669 (109) "Qualifying data center" means a data center facility that:
- 3670 (a) houses a group of networked server computers in one physical location in order to
- 3671 disseminate, manage, and store data and information;
- 3672 (b) is located in the state;
- 3673 (c) is a new operation constructed on or after July 1, 2016;
- 3674 (d) consists of one or more buildings that total 150,000 or more square feet;
- 3675 (e) is owned or leased by:
- 3676 (i) the operator of the data center facility; or
- 3677 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 3678 operator of the data center facility; and
- 3679 (f) is located on one or more parcels of land that are owned or leased by:
- 3680 (i) the operator of the data center facility; or
- 3681 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 3682 operator of the data center facility.
- 3683 (110) "Regularly rented" means:
- 3684 (a) rented to a guest for value three or more times during a calendar year; or
- 3685 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 3686 value.
- 3687 (111) "Rental" means the same as that term is defined in Subsection (63).
- 3688 (112)(a) "Repairs or renovations of tangible personal property" means:
- 3689 (i) a repair or renovation of tangible personal property that is not permanently
- 3690 attached to real property; or
- 3691 (ii) attaching tangible personal property or a product transferred electronically to
- 3692 other tangible personal property or detaching tangible personal property or a
- 3693 product transferred electronically from other tangible personal property if:
- 3694 (A) the other tangible personal property to which the tangible personal property or
- 3695 product transferred electronically is attached or from which the tangible
- 3696 personal property or product transferred electronically is detached is not
- 3697 permanently attached to real property; and
- 3698 (B) the attachment of tangible personal property or a product transferred
- 3699 electronically to other tangible personal property or detachment of tangible
- 3700 personal property or a product transferred electronically from other tangible
- 3701 personal property is made in conjunction with a repair or replacement of
- 3702 tangible personal property or a product transferred electronically.

- 3703 (b) "Repairs or renovations of tangible personal property" does not include:
- 3704 (i) attaching prewritten computer software to other tangible personal property if the
- 3705 other tangible personal property to which the prewritten computer software is
- 3706 attached is not permanently attached to real property; or
- 3707 (ii) detaching prewritten computer software from other tangible personal property if
- 3708 the other tangible personal property from which the prewritten computer software
- 3709 is detached is not permanently attached to real property.
- 3710 (113) "Research and development" means the process of inquiry or experimentation aimed
- 3711 at the discovery of facts, devices, technologies, or applications and the process of
- 3712 preparing those devices, technologies, or applications for marketing.
- 3713 (114)(a) "Residential telecommunications services" means a telecommunications service
- 3714 or an ancillary service that is provided to an individual for personal use:
- 3715 (i) at a residential address; or
- 3716 (ii) at an institution, including a nursing home or a school, if the telecommunications
- 3717 service or ancillary service is provided to and paid for by the individual residing at
- 3718 the institution rather than the institution.
- 3719 (b) For purposes of Subsection (114)(a)(i), a residential address includes an:
- 3720 (i) apartment; or
- 3721 (ii) other individual dwelling unit.
- 3722 (115) "Residential use" means the use in or around a home, apartment building, sleeping
- 3723 quarters, and similar facilities or accommodations.
- 3724 (116) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
- 3725 (a) resale;
- 3726 (b) sublease; or
- 3727 (c) subrent.
- 3728 (117)(a) "Retailer" means any person, unless prohibited by the Constitution of the
- 3729 United States or federal law, that is engaged in a regularly organized business in
- 3730 tangible personal property or any other taxable transaction under Subsection
- 3731 59-12-103(1), and who is selling to the user or consumer and not for resale.
- 3732 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
- 3733 engaged in the business of selling to users or consumers within the state.
- 3734 (118)(a) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise,
- 3735 in any manner, of tangible personal property or any other taxable transaction under
- 3736 Subsection 59-12-103(1), for consideration.

- 3737 (b) "Sale" includes:
- 3738 (i) installment and credit sales;
- 3739 (ii) any closed transaction constituting a sale;
- 3740 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
- 3741 chapter;
- 3742 (iv) any transaction if the possession of property is transferred but the seller retains
- 3743 the title as security for the payment of the price; and
- 3744 (v) any transaction under which right to possession, operation, or use of any article of
- 3745 tangible personal property is granted under a lease or contract and the transfer of
- 3746 possession would be taxable if an outright sale were made.
- 3747 (119) "Sale at retail" means the same as that term is defined in Subsection (116).
- 3748 (120) "Sale-leaseback transaction" means a transaction by which title to tangible personal
- 3749 property or a product transferred electronically that is subject to a tax under this chapter
- 3750 is transferred:
- 3751 (a) by a purchaser-lessee;
- 3752 (b) to a lessor;
- 3753 (c) for consideration; and
- 3754 (d) if:
- 3755 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial
- 3756 purchase of the tangible personal property or product transferred electronically;
- 3757 (ii) the sale of the tangible personal property or product transferred electronically to
- 3758 the lessor is intended as a form of financing:
- 3759 (A) for the tangible personal property or product transferred electronically; and
- 3760 (B) to the purchaser-lessee; and
- 3761 (iii) in accordance with generally accepted accounting principles, the
- 3762 purchaser-lessee is required to:
- 3763 (A) capitalize the tangible personal property or product transferred electronically
- 3764 for financial reporting purposes; and
- 3765 (B) account for the lease payments as payments made under a financing
- 3766 arrangement.
- 3767 (121) "Sales price" means the same as that term is defined in Subsection (107).
- 3768 (122)(a) "Sales relating to schools" means the following sales by, amounts paid to, or
- 3769 amounts charged by a school:
- 3770 (i) sales that are directly related to the school's educational functions or activities

- 3771 including:
- 3772 (A) the sale of:
- 3773 (I) textbooks;
- 3774 (II) textbook fees;
- 3775 (III) laboratory fees;
- 3776 (IV) laboratory supplies; or
- 3777 (V) safety equipment;
- 3778 (B) the sale of a uniform, protective equipment, or sports or recreational
- 3779 equipment that:
- 3780 (I) a student is specifically required to wear as a condition of participation in a
- 3781 school-related event or school-related activity; and
- 3782 (II) is not readily adaptable to general or continued usage to the extent that it
- 3783 takes the place of ordinary clothing;
- 3784 (C) sales of the following if the net or gross revenue generated by the sales is
- 3785 deposited into a school district fund or school fund dedicated to school meals:
- 3786 (I) food and food ingredients; or
- 3787 (II) prepared food; or
- 3788 (D) transportation charges for official school activities; or
- 3789 (ii) amounts paid to or amounts charged by a school for admission to a school-related
- 3790 event or school-related activity.
- 3791 (b) "Sales relating to schools" does not include:
- 3792 (i) bookstore sales of items that are not educational materials or supplies;
- 3793 (ii) except as provided in Subsection (122)(a)(i)(B):
- 3794 (A) clothing;
- 3795 (B) clothing accessories or equipment;
- 3796 (C) protective equipment; or
- 3797 (D) sports or recreational equipment; or
- 3798 (iii) amounts paid to or amounts charged by a school for admission to a
- 3799 school-related event or school-related activity if the amounts paid or charged are
- 3800 passed through to a person:
- 3801 (A) other than a:
- 3802 (I) school;
- 3803 (II) nonprofit organization authorized by a school board or a governing body of
- 3804 a private school to organize and direct a competitive secondary school



- 3805 activity; or
- 3806 (III) nonprofit association authorized by a school board or a governing body of
- 3807 a private school to organize and direct a competitive secondary school
- 3808 activity; and
- 3809 (B) that is required to collect sales and use taxes under this chapter.
- 3810 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3811 commission may make rules defining the term "passed through."
- 3812 (123) For purposes of this section and Section 59-12-104, "school" means:
- 3813 (a) an elementary school or a secondary school that:
- 3814 (i) is a:
- 3815 (A) public school; or
- 3816 (B) private school; and
- 3817 (ii) provides instruction for one or more grades kindergarten through 12; or
- 3818 (b) a public school district.
- 3819 (124)(a) "Seller" means a person that makes a sale, lease, or rental of:
- 3820 (i) tangible personal property;
- 3821 (ii) a product transferred electronically; or
- 3822 (iii) a service.
- 3823 (b) "Seller" includes a marketplace facilitator.
- 3824 (125)(a) "Semiconductor fabricating, processing, research, or development materials"
- 3825 means tangible personal property or a product transferred electronically if the
- 3826 tangible personal property or product transferred electronically is:
- 3827 (i) used primarily in the process of:
- 3828 (A)(I) manufacturing a semiconductor;
- 3829 (II) fabricating a semiconductor; or
- 3830 (III) research or development of a:
- 3831 (Aa) semiconductor; or
- 3832 (Bb) semiconductor manufacturing process; or
- 3833 (B) maintaining an environment suitable for a semiconductor; or
- 3834 (ii) consumed primarily in the process of:
- 3835 (A)(I) manufacturing a semiconductor;
- 3836 (II) fabricating a semiconductor; or
- 3837 (III) research or development of a:
- 3838 (Aa) semiconductor; or

- 3839 (Bb) semiconductor manufacturing process; or  
3840 (B) maintaining an environment suitable for a semiconductor.
- 3841 (b) "Semiconductor fabricating, processing, research, or development materials"  
3842 includes:
- 3843 (i) parts used in the repairs or renovations of tangible personal property or a product  
3844 transferred electronically described in Subsection (125)(a); or  
3845 (ii) a chemical, catalyst, or other material used to:
- 3846 (A) produce or induce in a semiconductor a:  
3847 (I) chemical change; or  
3848 (II) physical change;  
3849 (B) remove impurities from a semiconductor; or  
3850 (C) improve the marketable condition of a semiconductor.
- 3851 (126) "Senior citizen center" means a facility having the primary purpose of providing  
3852 services to the aged as defined in Section 26B-6-101.
- 3853 (127) "Shared vehicle" means the same as that term is defined in Section 13-48a-101.
- 3854 (128) "Shared vehicle driver" means the same as that term is defined in Section 13-48a-101.
- 3855 (129) "Shared vehicle owner" means the same as that term is defined in Section 13-48a-101.
- 3856 (130)(a) Subject to Subsections (130)(b) and (c), "short-term lodging consumable"  
3857 means tangible personal property that:
- 3858 (i) a business that provides accommodations and services described in Subsection  
3859 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations  
3860 and services to a purchaser;  
3861 (ii) is intended to be consumed by the purchaser; and  
3862 (iii) is:  
3863 (A) included in the purchase price of the accommodations and services; and  
3864 (B) not separately stated on an invoice, bill of sale, or other similar document  
3865 provided to the purchaser.
- 3866 (b) "Short-term lodging consumable" includes:
- 3867 (i) a beverage;  
3868 (ii) a brush or comb;  
3869 (iii) a cosmetic;  
3870 (iv) a hair care product;  
3871 (v) lotion;  
3872 (vi) a magazine;

- 3873 (vii) makeup;
- 3874 (viii) a meal;
- 3875 (ix) mouthwash;
- 3876 (x) nail polish remover;
- 3877 (xi) a newspaper;
- 3878 (xii) a notepad;
- 3879 (xiii) a pen;
- 3880 (xiv) a pencil;
- 3881 (xv) a razor;
- 3882 (xvi) saline solution;
- 3883 (xvii) a sewing kit;
- 3884 (xviii) shaving cream;
- 3885 (xix) a shoe shine kit;
- 3886 (xx) a shower cap;
- 3887 (xxi) a snack item;
- 3888 (xxii) soap;
- 3889 (xxiii) toilet paper;
- 3890 (xxiv) a toothbrush;
- 3891 (xxv) toothpaste; or
- 3892 (xxvi) an item similar to Subsections (130)(b)(i) through (xxv) as the commission
- 3893 may provide by rule made in accordance with Title 63G, Chapter 3, Utah
- 3894 Administrative Rulemaking Act.
- 3895 (c) "Short-term lodging consumable" does not include:
- 3896 (i) tangible personal property that is cleaned or washed to allow the tangible personal
- 3897 property to be reused; or
- 3898 (ii) a product transferred electronically.
- 3899 (131)(a) "Short-term rental" means a lease or rental for less than 30 consecutive days.
- 3900 (b) "Short-term rental" does not include car sharing.
- 3901 (132) "Simplified electronic return" means the electronic return:
- 3902 (a) described in Section 318(C) of the agreement; and
- 3903 (b) approved by the governing board of the agreement.
- 3904 (133) "Solar energy" means the sun used as the sole source of energy for producing
- 3905 electricity.
- 3906 (134)(a) "Sports or recreational equipment" means an item:

- 3907 (i) designed for human use; and  
3908 (ii) that is:  
3909 (A) worn in conjunction with:  
3910 (I) an athletic activity; or  
3911 (II) a recreational activity; and  
3912 (B) not suitable for general use.
- 3913 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3914 commission shall make rules:  
3915 (i) listing the items that constitute "sports or recreational equipment"; and  
3916 (ii) that are consistent with the list of items that constitute "sports or recreational  
3917 equipment" under the agreement.
- 3918 (135) "State" means the state of Utah, its departments, and agencies.
- 3919 (136) "Storage" means any keeping or retention of tangible personal property or any other  
3920 taxable transaction under Subsection 59-12-103(1), in this state for any purpose except  
3921 sale in the regular course of business.
- 3922 (137)(a) "Tangible personal property" means personal property that:  
3923 (i) may be:  
3924 (A) seen;  
3925 (B) weighed;  
3926 (C) measured;  
3927 (D) felt; or  
3928 (E) touched; or  
3929 (ii) is in any manner perceptible to the senses.
- 3930 (b) "Tangible personal property" includes:  
3931 (i) electricity;  
3932 (ii) water;  
3933 (iii) gas;  
3934 (iv) steam; or  
3935 (v) prewritten computer software, regardless of the manner in which the prewritten  
3936 computer software is transferred.
- 3937 (c) "Tangible personal property" includes the following regardless of whether the item is  
3938 attached to real property:  
3939 (i) a dishwasher;  
3940 (ii) a dryer;

- 3941 (iii) a freezer;
- 3942 (iv) a microwave;
- 3943 (v) a refrigerator;
- 3944 (vi) a stove;
- 3945 (vii) a washer; or
- 3946 (viii) an item similar to Subsections (137)(c)(i) through (vii) as determined by the
- 3947 commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 3948 Administrative Rulemaking Act.
- 3949 (d) "Tangible personal property" does not include a product that is transferred
- 3950 electronically.
- 3951 (e) "Tangible personal property" does not include the following if attached to real
- 3952 property, regardless of whether the attachment to real property is only through a line
- 3953 that supplies water, electricity, gas, telephone, cable, or supplies a similar item as
- 3954 determined by the commission by rule made in accordance with Title 63G, Chapter 3,
- 3955 Utah Administrative Rulemaking Act:
- 3956 (i) a hot water heater;
- 3957 (ii) a water filtration system; or
- 3958 (iii) a water softener system.
- 3959 (138)(a) "Telecommunications enabling or facilitating equipment, machinery, or
- 3960 software" means an item listed in Subsection (138)(b) if that item is purchased or
- 3961 leased primarily to enable or facilitate one or more of the following to function:
- 3962 (i) telecommunications switching or routing equipment, machinery, or software; or
- 3963 (ii) telecommunications transmission equipment, machinery, or software.
- 3964 (b) The following apply to Subsection (138)(a):
- 3965 (i) a pole;
- 3966 (ii) software;
- 3967 (iii) a supplementary power supply;
- 3968 (iv) temperature or environmental equipment or machinery;
- 3969 (v) test equipment;
- 3970 (vi) a tower; or
- 3971 (vii) equipment, machinery, or software that functions similarly to an item listed in
- 3972 Subsections (138)(b)(i) through (vi) as determined by the commission by rule
- 3973 made in accordance with Subsection (138)(c).
- 3974 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 3975 commission may by rule define what constitutes equipment, machinery, or software  
3976 that functions similarly to an item listed in Subsections (138)(b)(i) through (vi).
- 3977 (139) "Telecommunications equipment, machinery, or software required for 911 service"  
3978 means equipment, machinery, or software that is required to comply with 47 C.F.R. Sec.  
3979 20.18.
- 3980 (140) "Telecommunications maintenance or repair equipment, machinery, or software"  
3981 means equipment, machinery, or software purchased or leased primarily to maintain or  
3982 repair one or more of the following, regardless of whether the equipment, machinery, or  
3983 software is purchased or leased as a spare part or as an upgrade or modification to one or  
3984 more of the following:
- 3985 (a) telecommunications enabling or facilitating equipment, machinery, or software;
  - 3986 (b) telecommunications switching or routing equipment, machinery, or software; or
  - 3987 (c) telecommunications transmission equipment, machinery, or software.
- 3988 (141)(a) "Telecommunications service" means the electronic conveyance, routing, or  
3989 transmission of audio, data, video, voice, or any other information or signal to a  
3990 point, or among or between points.
- 3991 (b) "Telecommunications service" includes:
- 3992 (i) an electronic conveyance, routing, or transmission with respect to which a  
3993 computer processing application is used to act:
    - 3994 (A) on the code, form, or protocol of the content;
    - 3995 (B) for the purpose of electronic conveyance, routing, or transmission; and
    - 3996 (C) regardless of whether the service:
      - 3997 (I) is referred to as voice over Internet protocol service; or
      - 3998 (II) is classified by the Federal Communications Commission as enhanced or  
3999 value added;
  - 4000 (ii) an 800 service;
  - 4001 (iii) a 900 service;
  - 4002 (iv) a fixed wireless service;
  - 4003 (v) a mobile wireless service;
  - 4004 (vi) a postpaid calling service;
  - 4005 (vii) a prepaid calling service;
  - 4006 (viii) a prepaid wireless calling service; or
  - 4007 (ix) a private communications service.
- 4008 (c) "Telecommunications service" does not include:

- 4009 (i) advertising, including directory advertising;
- 4010 (ii) an ancillary service;
- 4011 (iii) a billing and collection service provided to a third party;
- 4012 (iv) a data processing and information service if:
- 4013 (A) the data processing and information service allows data to be:
- 4014 (I)(Aa) acquired;
- 4015 (Bb) generated;
- 4016 (Cc) processed;
- 4017 (Dd) retrieved; or
- 4018 (Ee) stored; and
- 4019 (II) delivered by an electronic transmission to a purchaser; and
- 4020 (B) the purchaser's primary purpose for the underlying transaction is the processed
- 4021 data or information;
- 4022 (v) installation or maintenance of the following on a customer's premises:
- 4023 (A) equipment; or
- 4024 (B) wiring;
- 4025 (vi) Internet access service;
- 4026 (vii) a paging service;
- 4027 (viii) a product transferred electronically, including:
- 4028 (A) music;
- 4029 (B) reading material;
- 4030 (C) a ring tone;
- 4031 (D) software; or
- 4032 (E) video;
- 4033 (ix) a radio and television audio and video programming service:
- 4034 (A) regardless of the medium; and
- 4035 (B) including:
- 4036 (I) furnishing conveyance, routing, or transmission of a television audio and
- 4037 video programming service by a programming service provider;
- 4038 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 4039 (III) audio and video programming services delivered by a commercial mobile
- 4040 radio service provider as defined in 47 C.F.R. Sec. 20.3;
- 4041 (x) a value-added nonvoice data service; or
- 4042 (xi) tangible personal property.

- 4043 (142)(a) "Telecommunications service provider" means a person that:
- 4044 (i) owns, controls, operates, or manages a telecommunications service; and
- 4045 (ii) engages in an activity described in Subsection (142)(a)(i) for the shared use with
- 4046 or resale to any person of the telecommunications service.
- 4047 (b) A person described in Subsection (142)(a) is a telecommunications service provider
- 4048 whether or not the Public Service Commission of Utah regulates:
- 4049 (i) that person; or
- 4050 (ii) the telecommunications service that the person owns, controls, operates, or
- 4051 manages.
- 4052 (143)(a) "Telecommunications switching or routing equipment, machinery, or software"
- 4053 means an item listed in Subsection (143)(b) if that item is purchased or leased
- 4054 primarily for switching or routing:
- 4055 (i) an ancillary service;
- 4056 (ii) data communications;
- 4057 (iii) voice communications; or
- 4058 (iv) telecommunications service.
- 4059 (b) The following apply to Subsection (143)(a):
- 4060 (i) a bridge;
- 4061 (ii) a computer;
- 4062 (iii) a cross connect;
- 4063 (iv) a modem;
- 4064 (v) a multiplexer;
- 4065 (vi) plug in circuitry;
- 4066 (vii) a router;
- 4067 (viii) software;
- 4068 (ix) a switch; or
- 4069 (x) equipment, machinery, or software that functions similarly to an item listed in
- 4070 Subsections (143)(b)(i) through (ix) as determined by the commission by rule
- 4071 made in accordance with Subsection (143)(c).
- 4072 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 4073 commission may by rule define what constitutes equipment, machinery, or software
- 4074 that functions similarly to an item listed in Subsections (143)(b)(i) through (ix).
- 4075 (144)(a) "Telecommunications transmission equipment, machinery, or software" means
- 4076 an item listed in Subsection (144)(b) if that item is purchased or leased primarily for



- 4077 sending, receiving, or transporting:
- 4078 (i) an ancillary service;
- 4079 (ii) data communications;
- 4080 (iii) voice communications; or
- 4081 (iv) telecommunications service.
- 4082 (b) The following apply to Subsection (144)(a):
- 4083 (i) an amplifier;
- 4084 (ii) a cable;
- 4085 (iii) a closure;
- 4086 (iv) a conduit;
- 4087 (v) a controller;
- 4088 (vi) a duplexer;
- 4089 (vii) a filter;
- 4090 (viii) an input device;
- 4091 (ix) an input/output device;
- 4092 (x) an insulator;
- 4093 (xi) microwave machinery or equipment;
- 4094 (xii) an oscillator;
- 4095 (xiii) an output device;
- 4096 (xiv) a pedestal;
- 4097 (xv) a power converter;
- 4098 (xvi) a power supply;
- 4099 (xvii) a radio channel;
- 4100 (xviii) a radio receiver;
- 4101 (xix) a radio transmitter;
- 4102 (xx) a repeater;
- 4103 (xxi) software;
- 4104 (xxii) a terminal;
- 4105 (xxiii) a timing unit;
- 4106 (xxiv) a transformer;
- 4107 (xxv) a wire; or
- 4108 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
- 4109 Subsections (144)(b)(i) through (xxv) as determined by the commission by rule
- 4110 made in accordance with Subsection (144)(c).

- 4111 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4112 commission may by rule define what constitutes equipment, machinery, or software  
4113 that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv).
- 4114 (145)(a) "Textbook for a higher education course" means a textbook or other printed  
4115 material that is required for a course:
- 4116 (i) offered by an institution of higher education; and
  - 4117 (ii) that the purchaser of the textbook or other printed material attends or will attend.
- 4118 (b) "Textbook for a higher education course" includes a textbook in electronic format.
- 4119 (146) "Tobacco" means:
- 4120 (a) a cigarette;
  - 4121 (b) a cigar;
  - 4122 (c) chewing tobacco;
  - 4123 (d) pipe tobacco; or
  - 4124 (e) any other item that contains tobacco.
- 4125 (147) "Unassisted amusement device" means an amusement device, skill device, or ride  
4126 device that is started and stopped by the purchaser or renter of the right to use or operate  
4127 the amusement device, skill device, or ride device.
- 4128 (148)(a) "Use" means the exercise of any right or power over tangible personal property,  
4129 a product transferred electronically, or a service under Subsection 59-12-103(1),  
4130 incident to the ownership or the leasing of that tangible personal property, product  
4131 transferred electronically, or service.
- 4132 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal  
4133 property, a product transferred electronically, or a service in the regular course of  
4134 business and held for resale.
- 4135 (149) "Value-added nonvoice data service" means a service:
- 4136 (a) that otherwise meets the definition of a telecommunications service except that a  
4137 computer processing application is used to act primarily for a purpose other than  
4138 conveyance, routing, or transmission; and
  - 4139 (b) with respect to which a computer processing application is used to act on data or  
4140 information:
    - 4141 (i) code;
    - 4142 (ii) content;
    - 4143 (iii) form; or
    - 4144 (iv) protocol.

- 4145 (150)(a) Subject to Subsection (150)(b), "vehicle" means the following that are required  
4146 to be titled, registered, or titled and registered:
- 4147 (i) an aircraft as defined in Section 72-10-102;
  - 4148 (ii) a vehicle as defined in Section 41-1a-102;
  - 4149 (iii) an off-highway vehicle as defined in Section 41-22-2; or
  - 4150 (iv) a vessel as defined in Section 41-1a-102.
- 4151 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:
- 4152 (i) a vehicle described in Subsection (150)(a); or
  - 4153 (ii)(A) a locomotive;
  - 4154 (B) a freight car;
  - 4155 (C) railroad work equipment; or
  - 4156 (D) other railroad rolling stock.
- 4157 (151) "Vehicle dealer" means a person engaged in the business of buying, selling, or  
4158 exchanging a vehicle as defined in Subsection (150).
- 4159 (152)(a) "Vertical service" means an ancillary service that:
- 4160 (i) is offered in connection with one or more telecommunications services; and
  - 4161 (ii) offers an advanced calling feature that allows a customer to:
  - 4162 (A) identify a caller; and
  - 4163 (B) manage multiple calls and call connections.
- 4164 (b) "Vertical service" includes an ancillary service that allows a customer to manage a  
4165 conference bridging service.
- 4166 (153)(a) "Voice mail service" means an ancillary service that enables a customer to  
4167 receive, send, or store a recorded message.
- 4168 (b) "Voice mail service" does not include a vertical service that a customer is required to  
4169 have in order to utilize a voice mail service.
- 4170 (154)(a) "Waste energy facility" means a facility that generates electricity:
- 4171 (i) using as the primary source of energy waste materials that would be placed in a  
4172 landfill or refuse pit if it were not used to generate electricity, including:
  - 4173 (A) tires;
  - 4174 (B) waste coal;
  - 4175 (C) oil shale; or
  - 4176 (D) municipal solid waste; and
  - 4177 (ii) in amounts greater than actually required for the operation of the facility.
- 4178 (b) "Waste energy facility" does not include a facility that incinerates:

- 4179 (i) hospital waste as defined in 40 C.F.R. 60.51c; or  
4180 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
- 4181 (155) "Watercraft" means a vessel as defined in Section 73-18-2.  
4182 (156) "Wind energy" means wind used as the sole source of energy to produce electricity.  
4183 (157) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic  
4184 location by the United States Postal Service.
- 4185 Section 24. Section **59-12-702** is amended to read:  
4186 **59-12-702 . Definitions.**
- 4187 As used in this part:
- 4188 (1) "Administrative unit" means a division of a private nonprofit organization or institution  
4189 that:  
4190 (a) would, if it were a separate entity, be a botanical organization or cultural  
4191 organization; and  
4192 (b) consistently maintains books and records separate from those of the administrative  
4193 unit's parent organization.
- 4194 (2) "Aquarium" means a park or building where a collection of water animals and plants is  
4195 kept for study, conservation, and public exhibition.
- 4196 (3) "Aviary" means a park or building where a collection of birds is kept for study,  
4197 conservation, and public exhibition.
- 4198 (4) "Botanical organization" means:  
4199 (a) a private nonprofit organization or institution having as the private nonprofit  
4200 organization's or institution's primary purpose the advancement and preservation of  
4201 plant science through horticultural display, botanical research, and community  
4202 education; or  
4203 (b) an administrative unit.
- 4204 (5) "Cultural facility" means the same as that term is defined in Section 59-12-602.  
4205 (6)(a) "Cultural organization" means:  
4206 (i) a private nonprofit organization or institution having as the private nonprofit  
4207 organization's or institution's primary purpose the advancement and preservation  
4208 of:  
4209 (A) natural history;  
4210 (B) art;  
4211 (C) music;  
4212 (D) theater;

- 4213 (E) dance; or
- 4214 (F) cultural arts, including literature, a motion picture, or storytelling; and
- 4215 (ii) an administrative unit.
- 4216 (b) "Cultural organization" includes, for purposes of Subsections 59-12-704(1)(d) and
- 4217 (10) only:
- 4218 (i) a private nonprofit organization or institution having as the private nonprofit
- 4219 organization's or institution's primary purpose the advancement and preservation
- 4220 of history; or
- 4221 (ii) a municipal or county cultural council having as the municipal or county cultural
- 4222 council's primary purpose the advancement and preservation of:
- 4223 (A) history;
- 4224 (B) natural history;
- 4225 (C) art;
- 4226 (D) music;
- 4227 (E) theater; or
- 4228 (F) dance.
- 4229 (c) "Cultural organization" does not include:
- 4230 (i) an agency of the state;
- 4231 (ii) except as provided in Subsection (6)(b)(ii), a political subdivision of the state;
- 4232 (iii) an educational institution for which annual revenue is directly derived more than
- 4233 50% from state funds; or
- 4234 (iv) in a county of the first or second class, a radio or television broadcasting network
- 4235 or station, cable communications system, newspaper, or magazine.
- 4236 (7) "Institution" means an institution of higher education listed in Subsection 53B-1-102
- 4237 (1)(a).
- 4238 (8) "Recreational facility" means a publicly owned or operated park, campground, marina,
- 4239 dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system,
- 4240 or other facility used for recreational purposes.
- 4241 (9) "Rural radio station" means a nonprofit radio station based in a county of the third,
- 4242 fourth, fifth, or sixth class.
- 4243 (10) In a county of the first class, "zoological facility" means a public, public-private
- 4244 partnership, or private nonprofit building, exhibit, utility and infrastructure, walkway,
- 4245 pathway, roadway, office, administration facility, public service facility, educational
- 4246 facility, enclosure, public viewing area, animal barrier, animal housing, animal care

4247 facility, and veterinary and hospital facility related to the advancement, exhibition, or  
4248 preservation of a mammal, bird, reptile, fish, or an amphibian.

4249 (11)(a)(i) Except as provided in Subsection (11)(a)(ii), "zoological organization"  
4250 means a public, public-private partnership, or private nonprofit organization  
4251 having as its primary purpose the advancement and preservation of zoology.

4252 (ii) In a county of the first class, "zoological organization" means a nonprofit  
4253 organization having as the nonprofit organization's primary purpose the  
4254 advancement and exhibition of a mammal, bird, reptile, fish, or an amphibian to  
4255 an audience of 75,000 or more persons annually.

4256 (b) "Zoological organization" does not include an agency of the state, educational  
4257 institution, radio or television broadcasting network or station, cable communications  
4258 system, newspaper, or magazine.

4259 (12) "Zoological park" means a park or garden where a collection of wild animals is kept  
4260 for study, conservation, and public exhibition.

4261 Section 25. Section **63C-18-203** is amended to read:

4262 **63C-18-203 . Committee duties.**

4263 (1) Under the direction of the Utah Behavioral Health Commission created in Section  
4264 26B-5-702, the committee shall:

4265 (a) identify a method to integrate existing local mental health crisis lines to ensure each  
4266 individual who accesses a local mental health crisis line is connected to a qualified  
4267 mental or behavioral health professional, regardless of the time, date, or number of  
4268 individuals trying to simultaneously access the local mental health crisis line;

4269 (b) study how to establish and implement a statewide mental health crisis line and a  
4270 statewide warm line, including identifying:

4271 (i) a statewide phone number or other means for an individual to easily access the  
4272 statewide mental health crisis line, including a short code for text messaging and a  
4273 three-digit number for calls;

4274 (ii) a statewide phone number or other means for an individual to easily access the  
4275 statewide warm line, including a short code for text messaging and a three-digit  
4276 number for calls;

4277 (iii) a supply of:

4278 (A) qualified mental or behavioral health professionals to staff the statewide  
4279 mental health crisis line; and

4280 (B) qualified mental or behavioral health professionals or certified peer support

- 4281 specialists to staff the statewide warm line; and
- 4282 (iv) a funding mechanism to operate and maintain the statewide mental health crisis  
4283 line and the statewide warm line;
- 4284 (c) coordinate with local mental health authorities in fulfilling the committee's duties  
4285 described in Subsections (1)(a) and (b);
- 4286 (d) recommend standards for the certifications described in Section 26B-5-610; and
- 4287 (e) coordinate services provided by local mental health crisis lines and mobile crisis  
4288 outreach teams, as defined in Section 62A-15-1401.
- 4289 (2) The committee shall study and make recommendations regarding:
- 4290 (a) crisis line practices and needs, including:
- 4291 (i) quality and timeliness of service;
- 4292 (ii) service volume projections;
- 4293 (iii) a statewide assessment of crisis line staffing needs, including required  
4294 certifications; and
- 4295 (iv) a statewide assessment of technology needs;
- 4296 (b) primary duties performed by crisis line workers;
- 4297 (c) coordination or redistribution of secondary duties performed by crisis line workers,  
4298 including responding to non-emergency calls;
- 4299 (d) operating the statewide 988 hotline:
- 4300 (i) in accordance with federal law;
- 4301 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center;  
4302 and
- 4303 (iii) to directly respond to calls with trained personnel and the provision of acute  
4304 mental health, crisis outreach, and stabilization services;
- 4305 (e) opportunities to increase operational and technological efficiencies and effectiveness  
4306 between 988 and 911, utilizing current technology;
- 4307 (f) needs for interoperability partnerships and policies related to 911 call transfers and  
4308 public safety responses;
- 4309 (g) standards for statewide mobile crisis outreach teams, including:
- 4310 (i) current models and projected needs;
- 4311 (ii) quality and timeliness of service;
- 4312 (iii) hospital and jail diversions; and
- 4313 (iv) staffing and certification;
- 4314 (h) resource centers, including:

- 4315 (i) current models and projected needs; and  
 4316 (ii) quality and timeliness of service;
- 4317 (i) policy considerations related to whether the state should:  
 4318 (i) manage, operate, and pay for a complete behavioral health system; or  
 4319 (ii) create partnerships with private industry; and  
 4320 (j) sustainable funding source alternatives, including:  
 4321 (i) charging a 988 fee, including a recommendation on the fee amount;  
 4322 (ii) General Fund appropriations;  
 4323 (iii) other government funding options;  
 4324 (iv) private funding sources;  
 4325 (v) grants;  
 4326 (vi) insurance partnerships, including coverage for support and treatment after initial  
 4327 call and triage; and  
 4328 (vii) other funding resources.
- 4329 (3) The committee may conduct other business related to the committee's duties described  
 4330 in this section.
- 4331 (4) The committee shall consult with the Office of Substance Use and Mental Health  
 4332 regarding:  
 4333 (a) the standards and operation of the statewide mental health crisis line and the  
 4334 statewide warm line, in accordance with Section 26B-5-610; and  
 4335 (b) the incorporation of the statewide mental health crisis line and the statewide warm  
 4336 line into behavioral health systems throughout the state.
- 4337 Section 26. Section **63G-3-503** is amended to read:  
 4338 **63G-3-503 . Agency rules oversight.**  
 4339 Oversight of the rulemaking process is conducted by the Rules Review and General  
 4340 Oversight Committee created in Section [~~36-35-502~~] 36-35-102.
- 4341 Section 27. Section **63I-1-226** is amended to read:  
 4342 **63I-1-226 . Repeal dates: Titles 26 through 26B.**
- 4343 (1) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed  
 4344 July 1, 2025.
- 4345 (2) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.
- 4346 (3) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.
- 4347 (4) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation --  
 4348 Reporting, is repealed July 1, 2026.



- 4349 (5) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership  
4350 -- Duties, is repealed July 1, 2025.
- 4351 (6) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2025.
- 4352 (7) Section 26B-1-416, Utah Children's Health Insurance Program Advisory Council, is  
4353 repealed July 1, 2025.
- 4354 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership  
4355 -- Duties, is repealed July 1, 2029.
- 4356 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --  
4357 Compensation -- Duties, is repealed July 1, 2029.
- 4358 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and  
4359 membership, is repealed July 1, 2027.
- 4360 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention  
4361 Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- 4362 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy  
4363 regarding services to individuals with disabilities -- Creation -- Membership --  
4364 Expenses, is repealed July 1, 2027.
- 4365 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- 4366 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1,  
4367 2027.
- 4368 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed  
4369 July 1, 2028.
- 4370 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- 4371 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June  
4372 30, 2027.
- 4373 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis  
4374 Response Committee, is repealed December 31, 2026.
- 4375 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed  
4376 July 1, 2027.
- 4377 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 4378 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 4379 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.
- 4380 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 4381 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 4382 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.

- 4383 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 4384 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 4385 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed  
4386 July 1, 2034.
- 4387 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 4388 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility  
4389 Expendable Revenue Fund, is repealed July 1, 2028.
- 4390 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 4391 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis  
4392 Response Committee, is repealed December 31, 2026.
- 4393 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis  
4394 Response Committee, is repealed December 31, 2026.
- 4395 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed  
4396 December 31, 2026.
- 4397 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed  
4398 December 31, 2026.
- 4399 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 4400 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December  
4401 31, 2026.
- 4402 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response  
4403 Committee, is repealed December 31, 2026.
- 4404 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response  
4405 Committee, is repealed December 31, 2026.
- 4406 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response  
4407 Committee, is repealed December 31, 2026.
- 4408 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response  
4409 Committee, is repealed December 31, 2026.
- 4410 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed  
4411 December 31, 2025.
- 4412 (43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1,  
4413 2029.
- 4414 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response  
4415 Committee, is repealed December 31, 2026.
- 4416 [~~45) Subsection 26B-5-704(2)(b), regarding the Education and Mental Health~~

- 4417 Coordinating Committee, is repealed December 31, 2024.]
- 4418 [(46)] (45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory  
4419 Committee, is repealed January 1, 2033.
- 4420 [(47)] (46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 4421 [(48)] (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot  
4422 Program, is repealed July 1, 2029.
- 4423 [(49)] (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.
- 4424 [(50)] (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,  
4425 2026.
- 4426 Section 28. Section **63I-1-241** is amended to read:
- 4427 **63I-1-241 . Repeal dates: Title 41.**
- 4428 (1) Subsection 41-1a-1201(8), regarding the Brain and Spinal Cord Injury Fund, is repealed  
4429 July 1, 2029.
- 4430 (2) Subsection 41-6a-102(34), regarding lane filtering, is repealed July 1, 2027.
- 4431 (3) Subsection 41-6a-704(6), regarding lane filtering, is repealed July 1, 2027.
- 4432 (4) Subsection 41-6a-710(1)(c), regarding lane filtering, is repealed July 1, 2027.
- 4433 (5) Subsection [41-6a-1406(6)(b)(iii)] 41-6a-1406(7)(b)(iii), regarding the Brain and Spinal  
4434 Cord Injury Fund, is repealed July 1, 2029.
- 4435 (6) Subsection 41-22-2(1), regarding an advisory council addressing off-highway vehicle  
4436 issues, is repealed July 1, 2027.
- 4437 (7) Subsection 41-22-10(1), regarding an advisory council addressing off-highway vehicle  
4438 issues, is repealed July 1, 2027.
- 4439 (8) Subsection 41-22-8(3)(b), regarding the Brain and Spinal Cord Injury Fund, is repealed  
4440 July 1, 2029.
- 4441 Section 29. Section **63I-1-253** is amended to read:
- 4442 **63I-1-253 . Repeal dates: Titles 53 through 53G.**
- 4443 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is  
4444 repealed July 1, 2028.
- 4445 (2) Section 53-2a-105, Emergency Management Administration Council created --  
4446 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 4447 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,  
4448 is repealed July 1, 2027.
- 4449 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is  
4450 repealed July 1, 2027.

- 4451 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 4452 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --  
4453 Expenses, is repealed July 1, 2029.
- 4454 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance  
4455 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --  
4456 Advisory board, is repealed July 1, 2027.
- 4457 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed  
4458 July 1, 2029.
- 4459 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 4460 [~~(10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem~~  
4461 ~~-- Report -- Expiration, is repealed December 31, 2025.]~~
- 4462 [~~(11) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is~~  
4463 ~~repealed December 31, 2025.]~~
- 4464 [~~(12)~~ (10) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections  
4465 Council, is repealed July 1, 2027.
- 4466 [~~(13)~~ (11) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 4467 [~~(14)~~ (12) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed  
4468 July 1, 2028.
- 4469 [~~(15)~~ (13) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 4470 [~~(16)~~ (14) Section 53B-17-1203, SafeUT and School Safety Commission established --  
4471 Members, is repealed January 1, 2030.
- 4472 [~~(17)~~ (15) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 4473 [~~(18)~~ (16) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 4474 [~~(19)~~ (17) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure  
4475 Research Center, is repealed July 1, 2028.
- 4476 [~~(20)~~ (18) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed  
4477 July 1, 2027.
- 4478 [~~(21)~~ (19) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the  
4479 Land Exchange Distribution Account to the Geological Survey for test wells and other  
4480 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 4481 [~~(22)~~ (20) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections  
4482 Council, is repealed July 1, 2027.
- 4483 [~~(23)~~ (21) Subsection 53E-2-304(6), regarding foreclosing a private right of action or  
4484 waiver of governmental immunity, is repealed July 1, 2027.

- 4485 [(24)] (22) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is  
 4486 repealed July 1, 2027.
- 4487 [(25)] (23) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is  
 4488 repealed July 1, 2027.
- 4489 [(26)] (24) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed  
 4490 January 1, 2028.
- 4491 [(27)] (25) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 4492 [(28)] (26) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,  
 4493 is repealed July 1, 2033.
- 4494 [(29)] (27) Subsection 53E-7-207(7), regarding a private right of action or waiver of  
 4495 governmental immunity, is repealed July 1, 2027.
- 4496 [(30) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed  
 4497 July 1, 2024.]
- 4498 [(31)] (28) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 4499 [(32)] (29) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,  
 4500 2025.
- 4501 [(33)] (30) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is  
 4502 repealed July 1, 2025.
- 4503 [(34)] (31) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July  
 4504 1, 2027.
- 4505 [(35)] (32) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is  
 4506 repealed January 1, 2025.
- 4507 [(36)] (33) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is  
 4508 repealed January 1, 2025.
- 4509 [(37)] (34) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.  
 4510 Section 30. Section **63I-1-263** is amended to read:  
 4511 **63I-1-263 . Repeal dates: Titles 63A to 63O.**
- 4512 [(1) Subsection 63A-5b-405(5), regarding prioritizing and allocating capital improvement  
 4513 funding, is repealed July 1, 2024.]
- 4514 [(2)] (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
 4515 1, 2028.
- 4516 [(3)] (2) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- 4517 [(4)] (3) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed  
 4518 December 31, 2026.

- 4519 [~~(5)~~ Title 63C, Chapter 23, Education and Mental Health Coordinating Committee, is  
4520 repealed December 31, 2024.]
- 4521 [~~(6)~~ (4) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 4522 [~~(7)~~ (5) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 4523 [~~(8)~~ (6) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 4524 [~~(9)~~ (7) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed  
4525 July 1, 2028.
- 4526 [~~(10)~~ (8) Section 63G-6a-805, Purchase from community rehabilitation programs, is  
4527 repealed July 1, 2026.
- 4528 [~~(11)~~ (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
4529 2028.
- 4530 [~~(12)~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July  
4531 1, 2029.
- 4532 [~~(13)~~ (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 4533 [~~(14)~~ (12) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce  
4534 Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 4535 [~~(15)~~ (13) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is  
4536 repealed January 1, 2025.
- 4537 [~~(16)~~ (14) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- 4538 [~~(17)~~ (15) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee,  
4539 is repealed July 1, 2027.
- 4540 [~~(18)~~ (16) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is  
4541 repealed July 1, 2027.
- 4542 [~~(19)~~ (17) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses,  
4543 is repealed July 1, 2029.
- 4544 [~~(20)~~ (18) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 4545 [~~(21)~~ (19) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is  
4546 repealed January 1, 2030.
- 4547 [~~(22)~~ (20) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 4548 [~~(23)~~ (21) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is  
4549 repealed July 1, 2025.
- 4550 [~~(24)~~ (22) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 4551 [~~(25)~~ (23) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is  
4552 repealed July 1, 2027.

- 4553 ~~[(26)]~~ (24) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is  
 4554 repealed July 1, 2025.
- 4555 ~~[(27)]~~ (25) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
 4556 July 1, 2028.
- 4557 ~~[(28)]~~ (26) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is  
 4558 repealed July 1, 2027.
- 4559 ~~[(29)]~~ (27) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion  
 4560 Program, is repealed July 1, 2028.
- 4561 ~~[(30)]~~ (28) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is  
 4562 repealed July 1, 2025.
- 4563 ~~[(31)]~~ (29) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of  
 4564 Tourism to receive approval from the Board of Tourism Development, is repealed July  
 4565 1, 2025.
- 4566 ~~[(32)]~~ (30) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1,  
 4567 2025.
- 4568 Section 31. Section **63I-1-267** is amended to read:  
 4569 **63I-1-267 . Repeal dates: Title 67.**
- 4570 (1) Section 67-1-8.1, Executive Residence Commission -- Recommendations as to use,  
 4571 maintenance, and operation of executive residence, is repealed July 1, 2027.
- 4572 (2) Section 67-1-15, Approval of international trade agreement -- Consultation with Utah  
 4573 International Relations and Trade Commission, is repealed December 31, 2027.
- 4574 ~~[(3) Section 67-3-11, Health care price transparency tool -- Transparency tool requirements,  
 4575 is repealed July 1, 2024.]~~
- 4576 ~~[(4)]~~ (3) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027.
- 4577 Section 32. Section **63I-2-204** is amended to read:  
 4578 **63I-2-204 . Repeal dates: Title 4.**
- 4579 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed  
 4580 May 1, 2025.
- 4581 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed  
 4582 July 1, 2026.
- 4583 ~~[(3) Section 4-46-104, Transition, is repealed July 1, 2024.]~~
- 4584 Section 33. Section **63I-2-207** is amended to read:  
 4585 **63I-2-207 . Repeal dates: Title 7.**
- 4586 ~~[(1) Section 7-3-40, Board of Bank Advisors, is repealed October 1, 2024.]~~

- 4587 [~~(2) Section 7-9-43, Board of Credit Union Advisors, is repealed October 1, 2024.~~]  
 4588 Reserved.  
 4589 Section 34. Section **63I-2-209** is amended to read:  
 4590 **63I-2-209 . Repeal dates: Title 9.**  
 4591 [~~(1) Section 9-6-303, Arts collection committee, is repealed October 1, 2024.~~]  
 4592 [~~(2)] (1) Subsection 9-6-402(1)(b), regarding public art installations, is repealed January 1,~~  
 4593 ~~2035.~~  
 4594 [~~(3)] (2) Subsection 9-6-403(4), regarding public art installations, is repealed January 1,~~  
 4595 ~~2035.~~  
 4596 [~~(4)] (3) Subsection 9-6-403(6)(b), regarding public art installations, is repealed January 1,~~  
 4597 ~~2035.~~  
 4598 [~~(5)] (4) Subsection 9-6-404(2)(a)(i), regarding the use of an appropriation received by or~~  
 4599 ~~available for a new state building that is not in a county of the first class, is repealed~~  
 4600 ~~January 1, 2035.~~  
 4601 [~~(6)] (5) Subsection 9-6-404(2)(b), regarding an appropriation received or made available~~  
 4602 ~~for a new state building in a county of the first class, is repealed January 1, 2035.~~  
 4603 [~~(7)] (6) Section 9-6-410, Public Art Installation Initiative, is repealed January 1, 2035.~~  
 4604 [~~(8) Title 9, Chapter 17, Humanitarian Service and Educational and Cultural Exchange~~  
 4605 ~~Restricted Account Act, is repealed July 1, 2024.~~]  
 4606 [~~(9) Title 9, Chapter 18, Martin Luther King, Jr. Civil Rights Support Restricted Account~~  
 4607 ~~Act, is repealed July 1, 2024.~~]  
 4608 [~~(10) Title 9, Chapter 19, National Professional Men's Soccer Team Support of Building~~  
 4609 ~~Communities Restricted Account Act, is repealed July 1, 2024.~~]  
 4610 Section 35. Section **63I-2-213** is amended to read:  
 4611 **63I-2-213 . Repeal dates: Title 13.**  
 4612 [~~(1) Section 13-1-16, Latino Community Support Restricted Account, is repealed July 1,~~  
 4613 ~~2024.~~]  
 4614 [~~(2) Section 13-14-103, Utah Motor Vehicle Franchise Advisory Board -- Creation --~~  
 4615 ~~Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of~~  
 4616 ~~interest, is repealed October 1, 2024.~~]  
 4617 [~~(3) Section 13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation --~~  
 4618 ~~Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of~~  
 4619 ~~interest, is repealed October 1, 2024.~~]  
 4620 [~~(4)] (1) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program~~



- 4621 start date, as defined in Section 63G-12-102.
- 4622 [(5)] (2) Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed May 1, 2025.
- 4623 Section 36. Section **63I-2-219** is amended to read:
- 4624 **63I-2-219 . Repeal dates: Title 19.**
- 4625 [(1) Section 19-1-109, Clean Air Support Restricted Account, is repealed July 1, 2024.]
- 4626 [(2) Section 19-2a-102.5, Emissions reduction plan study and recommendations, is repealed
- 4627 July 1, 2024.] Reserved.
- 4628 Section 37. Section **63I-2-223** is amended to read:
- 4629 **63I-2-223 . Repeal dates: Title 23A.**
- 4630 [Section 23A-3-203, Support for State-Owned Shooting Ranges Restricted Account, is
- 4631 repealed July 1, 2024.] Reserved.
- 4632 Section 38. Section **63I-2-226** is amended to read:
- 4633 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 4634 [(1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.]
- 4635 [(2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
- 4636 and Children Issues Restricted Account, is repealed July 1, 2024.]
- 4637 [(3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.]
- 4638 [(4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.]
- 4639 [(5)] (1) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, 2026.
- 4640 [(6)] (2) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
- 4641 Board, is repealed July 1, 2026.
- 4642 [(7)] (3) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory
- 4643 Committee -- Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 4644 [(8)] (4) Section 26B-2-243, Data collection and reporting requirements concerning
- 4645 incidents of abuse, neglect, or exploitation, is repealed July 1, 2027.
- 4646 [(9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.]
- 4647 [(10)] (5) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization
- 4648 and genetic testing, is repealed July 1, 2030.
- 4649 [(11)] (6) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is
- 4650 repealed July 1, 2026.
- 4651 [(12)] (7) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
- 4652 repealed July 1, 2026.
- 4653 [(13)] (8) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
- 4654 Program, is repealed July 1, 2027.

- 4655 [(14)] (9) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural  
 4656 Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4657 [(15)] (10) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan  
 4658 Repayment Program, is repealed July 1, 2026.
- 4659 [(16)] (11) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural  
 4660 Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4661 [(17)] (12) Section 26B-5-117, Early childhood mental health support grant program, is  
 4662 repealed January 2, 2025.
- 4663 [(18)] (13) Section 26B-5-302.5, Study concerning civil commitment and the Utah State  
 4664 Hospital, is repealed July 1, 2025.
- 4665 [(19)] (14) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 4666 [(20)] (15) Section 26B-7-120, Invisible condition alert program education and outreach, is  
 4667 repealed July 1, 2025.
- 4668 Section 39. Section **63I-2-232** is amended to read:  
 4669 **63I-2-232 . Repeal dates: Title 32B.**
- 4670 [(1) Subsection 32B-1-603.5(7), regarding the Department of Alcoholic Beverage Services'  
 4671 review of beer that is sold or distributed in the state, is repealed December 31, 2024.]
- 4672 [(2)] Subsection 32B-2-205(4), regarding a workgroup to make recommendations regarding  
 4673 training and recordkeeping for certain cash transactions, is repealed January 1, 2025.
- 4674 Section 40. Section **63I-2-235** is amended to read:  
 4675 **63I-2-235 . Repeal dates: Title 35A.**
- 4676 Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers --  
 4677 Reporting requirements, is repealed June 30, 2025.
- 4678 [(1) Section 35A-13-301, Title, is repealed October 1, 2024.]
- 4679 [(2) Section 35A-13-302, Governor's Committee on Employment of People with  
 4680 Disabilities, is repealed October 1, 2024.]
- 4681 Section 41. Section **63I-2-236** is amended to read:  
 4682 **63I-2-236 . Repeal dates: Title 36.**
- 4683 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed  
 4684 July 1, 2025.
- 4685 [(2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --  
 4686 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --  
 4687 Interim report, is repealed November 30, 2024.]
- 4688 [(3)] (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed

- 4689 November 30, 2027.
- 4690 [(4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
- 4691 November 30, 2024.]
- 4692 Section 42. Section **63I-2-253** is amended to read:
- 4693 **63I-2-253 . Repeal dates: Titles 53 through 53G.**
- 4694 [(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July
- 4695 1, 2024.]
- 4696 [(2) Section 53-1-118, Public Safety Honoring Heroes Restricted Account -- Creation --
- 4697 Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.]
- 4698 [(3) Section 53-1-120, Utah Law Enforcement Memorial Support Restricted Account --
- 4699 Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1,
- 4700 2024.]
- 4701 [(4) Section 53-2a-303, Statewide mutual aid committee, is repealed October 1, 2024.]
- 4702 [(5)] (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed
- 4703 July 1, 2026.
- 4704 [(6) Section 53-2d-101.1, Contracting authority -- Rulemaking authority, is repealed July 1,
- 4705 2024.]
- 4706 [(7) Section 53-2d-107, Air Ambulance Committee -- Membership -- Duties, is repealed
- 4707 July 1, 2024.]
- 4708 [(8) Section 53-2d-302, Trauma system advisory committee, is repealed October 1, 2024.]
- 4709 [(9) Section 53-7-109, Firefighter Support Restricted Account, is repealed July 1, 2024.]
- 4710 [(10) Section 53-9-104, Board -- Creation -- Qualifications -- Appointments -- Terms --
- 4711 Immunity, is repealed October 1, 2024.]
- 4712 [(11) Section 53-9-105, Powers and duties of the board, is repealed October 1, 2024.]
- 4713 [(12) Section 53-9-106, Meetings -- Hearings, is repealed October 1, 2024.]
- 4714 [(13)] (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per
- 4715 diem -- Report -- Expiration, is repealed December 31, 2025.
- 4716 [(14)] (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory
- 4717 Board, is repealed December 31, 2025.
- 4718 [(15)] (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements,
- 4719 is repealed December 31, 2031.
- 4720 [(16) Section 53B-8-114, Continuation of previously authorized scholarships, is repealed
- 4721 July 1, 2024.]
- 4722 [(17)] (5) Section 53B-10-101, Terrel H. Bell Teaching Incentive Loans program -- Eligible

- 4723 students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet  
 4724 requirements -- Duration of incentive loans, is repealed July 1, 2027.
- 4725 ~~[(18)]~~ (6) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly  
 4726 Needed Educators, is repealed July 1, 2026.
- 4727 ~~[(19) Section 53F-2-524, Teacher bonuses for extra assignments, is repealed July 1, 2024.]~~
- 4728 ~~[(20)]~~ (7) Section 53F-5-221, Management of energy and water use pilot program, is  
 4729 repealed July 1, 2028.
- 4730 ~~[(21)]~~ (8) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and  
 4731 Refinement Pilot Program, is repealed July 1, 2028.
- 4732 ~~[(22)]~~ (9) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed July  
 4733 1, 2028.
- 4734 ~~[(23) Section 53F-9-401, Autism Awareness Restricted Account, is repealed July 1, 2024.]~~
- 4735 ~~[(24) Section 53F-9-403, Kiwanis Education Support Fund, is repealed July 1, 2024.]~~
- 4736 ~~[(25)]~~ (10) Subsection 53G-11-502(1), regarding implementation of the educator evaluation  
 4737 process, is repealed July 1, 2029.
- 4738 ~~[(26)]~~ (11) Section 53G-11-506, Establishment of educator evaluation program -- Joint  
 4739 committee, is repealed July 1, 2029.
- 4740 ~~[(27)]~~ (12) Section 53G-11-507, Components of educator evaluation program, is repealed  
 4741 July 1, 2029.
- 4742 ~~[(28)]~~ (13) Section 53G-11-508, Summative evaluation timelines -- Review of summative  
 4743 evaluations, is repealed July 1, 2029.
- 4744 ~~[(29)]~~ (14) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.
- 4745 ~~[(30)]~~ (15) Section 53G-11-510, State board to describe a framework for the evaluation of  
 4746 educators, is repealed July 1, 2029.
- 4747 ~~[(31)]~~ (16) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.
- 4748 ~~[(32)]~~ (17) Subsection 53G-11-520(1), regarding optional alternative educator evaluation  
 4749 processes, is repealed July 1, 2029.
- 4750 ~~[(33)]~~ (18) Subsection 53G-11-520(2), regarding an exception from educator evaluation  
 4751 process requirements, is repealed July 1, 2029.
- 4752 Section 43. Section **63I-2-258** is amended to read:
- 4753 **63I-2-258 . Repeal dates: Title 58.**
- 4754 ~~[(1) Section 58-42a-201, Board, is repealed October 1, 2024.]~~
- 4755 ~~[(2) Section 58-44a-201, Board, is repealed October 1, 2024.]~~
- 4756 ~~[(3) Section 58-53-201, Creation of board -- Duties, is repealed October 1, 2024.]~~

- 4757 [~~(4) Section 58-68-201, Board, is repealed October 1, 2024.~~]
- 4758 [~~(5) Section 58-70a-201, Board, is repealed October 1, 2024.~~]
- 4759 [~~(6) Section 58-72-201, Acupuncture Licensing Board, is repealed October 1, 2024.~~]
- 4760 Reserved.
- 4761 Section 44. Section **63I-2-259** is amended to read:
- 4762 **63I-2-259 . Repeal dates: Title 59.**
- 4763 [~~(1) Subsection 59-7-610(8), regarding claiming a tax credit in the same taxable year as the~~
- 4764 ~~targeted business income tax credit, is repealed December 31, 2024.~~]
- 4765 [~~(2) Subsection 59-7-614.10(5), regarding claiming a tax credit in the same taxable year as~~
- 4766 ~~the targeted business income tax credit, is repealed December 31, 2024.~~]
- 4767 [~~(3) Section 59-7-624, Targeted business income tax credit, is repealed December 31, 2024.~~]
- 4768 [~~(4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December~~
- 4769 ~~31, 2024.~~]
- 4770 [~~(5) Subsection 59-10-1007(8), regarding claiming a tax credit in the same taxable year as~~
- 4771 ~~the targeted business income tax credit, is repealed December 31, 2024.~~]
- 4772 [~~(6) Subsection 59-10-1037(5), regarding claiming a tax credit in the same taxable year as~~
- 4773 ~~the targeted business income tax credit, is repealed December 31, 2024.~~]
- 4774 [~~(7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,~~
- 4775 ~~2024.~~] Reserved.
- 4776 Section 45. Section **63I-2-263** is amended to read:
- 4777 **63I-2-263 . Repeal dates: Titles 63A through 63O.**
- 4778 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
- 4779 Procurement Advisory Council is repealed July 1, 2025.
- 4780 (2) Section 63A-17-806, Definitions -- Infant at Work Pilot Program -- Administration --
- 4781 Report, is repealed June 30, 2026.
- 4782 (3) Section 63C-1-103, Appointment and terms of boards, committees, councils, and
- 4783 commissions transitioning on October 1, 2024, or December 31, 2024, is repealed July
- 4784 1, 2025.
- 4785 (4) Section 63C-1-104, Appointment and terms of boards transitioning on October 1, 2024,
- 4786 is repealed January 1, 2025.
- 4787 [~~(5) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed October 1,~~
- 4788 ~~2024.~~]
- 4789 [~~(6)~~ (5) Subsection 63G-6a-802(1)(e), regarding a procurement for a presidential debate, is
- 4790 repealed January 1, 2025.

- 4791 ~~[(7)]~~ (6) Subsection 63G-6a-802(3)(b)(iii), regarding a procurement for a presidential  
 4792 debate, is repealed January 1, 2025.
- 4793 ~~[(8)]~~ (7) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety  
 4794 communications network, is repealed July 1, 2033.
- 4795 ~~[(9)]~~ (8) Subsection ~~[63J-1-602.2(47)]~~ 63J-1-602.2(46), regarding appropriations to the State  
 4796 Tax Commission for deferral reimbursements, is repealed July 1, 2027.
- 4797 ~~[(10)]~~ (9) Section 63M-7-221, Expungement working group, is repealed April 30, 2025.
- 4798 ~~[(11) Section 63M-7-504, Crime Victim Reparations and Assistance Board -- Members, is~~  
 4799 ~~repealed December 31, 2024.]~~
- 4800 ~~[(12) Section 63M-7-505, Board and office within Commission on Criminal and Juvenile~~  
 4801 ~~Justice, is repealed December 31, 2024.]~~
- 4802 ~~[(13) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed~~  
 4803 ~~December 31, 2024.]~~
- 4804 ~~[(14) Subsection 63N-2-213(12)(a), regarding claiming a tax credit in the same taxable year~~  
 4805 ~~as the targeted business income tax credit, is repealed December 31, 2024.]~~
- 4806 ~~[(15) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise~~  
 4807 ~~Zone, is repealed December 31, 2024.]~~
- 4808 Section 46. Section **63I-2-272** is amended to read:  
 4809 **63I-2-272 . Repeal dates: Title 72.**
- 4810 ~~[(1)]~~ Subsection 72-1-213.1(13), regarding the road usage charge rate and road usage  
 4811 charge cap, is repealed January 1, 2033.
- 4812 ~~[(2) Section 72-2-127, Share the Road Bicycle Support Restricted Account, is repealed July~~  
 4813 ~~1, 2024.]~~
- 4814 Section 47. Section **63I-2-278** is amended to read:  
 4815 **63I-2-278 . Repeal dates: Titles 78A through 78B.**
- 4816 ~~[Section 78A-2-804, Guardian Ad Litem Services Account established -- Funding, is~~  
 4817 ~~repealed July 1, 2024.]~~ Reserved.
- 4818 Section 48. Section **63I-2-279** is amended to read:  
 4819 **63I-2-279 . Repeal dates: Title 79.**
- 4820 ~~[(1) Section 79-2-206, Transition, is repealed July 1, 2024.]~~
- 4821 ~~[(2)]~~ (1) Section 79-2-407, Study of funding for water infrastructure costs, is repealed July  
 4822 1, 2025.
- 4823 ~~[(3)]~~ (2) Subsection 79-4-1002(2), regarding a pilot program for veteran free admission to  
 4824 state parks, is repealed July 1, 2025.

- 4825 [~~(4) Section 79-7-303, Zion National Park Support Programs Restricted Account, is~~  
4826 ~~repealed July 1, 2024.~~]
- 4827 Section 49. Section **63O-1-101** is amended to read:
- 4828 **63O-1-101 . Definitions.**
- 4829 As used in this title:
- 4830 (1) "Architectural integrity" means the architectural elements, materials, color, and quality  
4831 of the original building construction.
- 4832 (2) "Area of joint control" means all areas that are specified under this chapter as being  
4833 under the direction and control of both the Legislature and the governor.
- 4834 (3) "Board" means the State Capitol Preservation Board created in Section [~~63C-9-201~~]  
4835 63O-2-201.
- 4836 (4) "Capitol hill" means the following, in Salt Lake City:
- 4837 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made  
4838 and natural objects within the area bounded by 300 North Street, Columbus Street,  
4839 500 North Street, and East Capitol Boulevard;
- 4840 (b) the White Community Memorial Chapel, including the grounds, monuments, parking  
4841 areas, buildings, structures, and other man-made and natural objects on the property;
- 4842 (c) the Council Hall Travel Information Center, including the grounds, monuments,  
4843 parking areas, buildings, structures, and other man-made and natural objects on the  
4844 property;
- 4845 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:
- 4846 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made  
4847 and natural objects on the property; and
- 4848 (ii) the other state-owned property within the area bounded by Columbus Street,  
4849 North Main Street, and Apricot Avenue;
- 4850 (e) the Central Plant, located to the southeast of the intersection of 500 North and  
4851 Columbus Street;
- 4852 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,  
4853 and 400 North Street; and
- 4854 (g) the state-owned property within the area bounded by Columbus Street, West Capitol  
4855 Street, and 500 North Street.
- 4856 (5) "Governor's area" means all areas, other than an area of joint control, that are specified  
4857 under this chapter as being under the direction and control of the governor.
- 4858 (6) "House Building" means the west building on capitol hill that is located northwest of the

- 4859 State Capitol, southwest of the North Building, and west of the Senate Building.
- 4860 (7) "Legislative area" means all areas, other than an area of joint control, that are specified  
4861 under this chapter as being under the direction and control of the Legislature.
- 4862 (8) "Legislative day" means:
- 4863 (a) a day during the annual general session of the Legislature;
- 4864 (b) a day during a special session of the Legislature;
- 4865 (c) a day during which the House of Representatives is convened under Utah  
4866 Constitution, Article VI, Section 17;
- 4867 (d) a day during which the Senate is convened under Utah Constitution, Article VI,  
4868 Section 18;
- 4869 (e) a day during a veto override session; or
- 4870 (f) a day designated by the Legislative Management Committee as a legislative day for  
4871 meetings of the House of Representatives, the Senate, or a committee, task force,  
4872 caucus, or other group of the legislative branch.
- 4873 (9) "North Building" means the building on capitol hill that is located north of the State  
4874 Capitol, northeast of the House Building, and northwest of the Senate Building.
- 4875 (10) "Senate Building" means the building on capitol hill that is located northeast of the  
4876 State Capitol, southeast of the North Building, and east of the House Building.
- 4877 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- 4878 (12)(a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the  
4879 basement level of capitol hill.
- 4880 (b) "Tunnels" does not include the underground parking.
- 4881 Section 50. Section **65A-5-1** is amended to read:
- 4882 **65A-5-1 . Sovereign Lands Management Account.**
- 4883 (1) There is created within the General Fund a restricted account known as the "Sovereign  
4884 Lands Management Account."
- 4885 (2) The Sovereign Lands Management Account shall consist of the following:
- 4886 (a) the revenues derived from sovereign lands, except for revenues deposited into the  
4887 Great Salt Lake Account under Section 73-32-304;
- 4888 (b) that portion of the revenues derived from mineral leases on other lands managed by  
4889 the division necessary to recover management costs;
- 4890 (c) revenues derived from the Great Salt Lake Preservation support special group license  
4891 plate described in Sections 41-1a-418 and 41-1a-422;
- 4892 (d) fees deposited by the division;



- 4893 (e) amounts deposited into the account in accordance with Section 59-23-4; and  
 4894 (f) amounts deposited into the account in accordance with Section 59-5-202.
- 4895 (3)(a) The expenditures of the division relating directly to the management of sovereign  
 4896 lands shall be funded by appropriation by the Legislature from the Sovereign Lands  
 4897 Management Account or other sources.
- 4898 (b) Money in the Sovereign Lands Management Account may be used only for the direct  
 4899 benefit of sovereign lands, including the management of sovereign lands.
- 4900 (c) In appropriating money from the Sovereign Lands Management Account, the  
 4901 Legislature shall prefer appropriations that benefit the sovereign land from which the  
 4902 money is derived unless compelling circumstances require that money be  
 4903 appropriated for sovereign land other than the sovereign land from which the money  
 4904 is derived.
- 4905 (4) The division shall use the amount deposited into the account under Subsection [~~(2)(d)~~]  
 4906 (2)(e) for the Great Salt Lake as described in Section 65A-17-201 as directed by the  
 4907 Great Salt Lake Advisory Council created in Section 73-32-302.
- 4908 Section 51. Section **67-22-2** is amended to read:  
 4909 **67-22-2 . Compensation -- Other state officers.**
- 4910 (1) As used in this section:
- 4911 (a) "Appointed executive" means the:
- 4912 (i) commissioner of the Department of Agriculture and Food;  
 4913 (ii) commissioner of the Insurance Department;  
 4914 (iii) commissioner of the Labor Commission;  
 4915 (iv) director, Department of Alcoholic Beverage Services;  
 4916 (v) commissioner of the Department of Financial Institutions;  
 4917 (vi) executive director, Department of Commerce;  
 4918 (vii) executive director, Commission on Criminal and Juvenile Justice;  
 4919 (viii) adjutant general;  
 4920 (ix) executive director, Department of Cultural and Community Engagement;  
 4921 (x) executive director, Department of Corrections;  
 4922 (xi) commissioner, Department of Public Safety;  
 4923 (xii) executive director, Department of Natural Resources;  
 4924 (xiii) executive director, Governor's Office of Planning and Budget;  
 4925 (xiv) executive director, Department of Government Operations;  
 4926 (xv) executive director, Department of Environmental Quality;

- 4927 (xvi) executive director, Governor's Office of Economic Opportunity;
- 4928 (xvii) executive director, Department of Workforce Services;
- 4929 (xviii) executive director, Department of Health and Human Services, Nonphysician;
- 4930 (xix) executive director, Department of Transportation;
- 4931 (xx) executive director, Department of Veterans and Military Affairs;
- 4932 (xxi) executive director, Public Lands Policy Coordinating Office, created in Section
- 4933 63L-11-201;
- 4934 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and
- 4935 (xxiii) Utah water agent, appointed under Section [~~73-10g-602~~] 73-10g-702.
- 4936 (b) "Board or commission executive" means:
- 4937 (i) members, Board of Pardons and Parole;
- 4938 (ii) chair, State Tax Commission;
- 4939 (iii) commissioners, State Tax Commission;
- 4940 (iv) executive director, State Tax Commission;
- 4941 (v) chair, Public Service Commission; and
- 4942 (vi) commissioners, Public Service Commission.
- 4943 (c) "Deputy" means the person who acts as the appointed executive's second in
- 4944 command as determined by the Division of Human Resource Management.
- 4945 (2)(a) The director of the Division of Human Resource Management shall:
- 4946 (i) before October 31 of each year, recommend to the governor a compensation plan
- 4947 for the appointed executives and the board or commission executives; and
- 4948 (ii) base those recommendations on market salary studies conducted by the Division
- 4949 of Human Resource Management.
- 4950 (b)(i) The Division of Human Resource Management shall determine the salary range
- 4951 for the appointed executives by:
- 4952 (A) identifying the salary range assigned to the appointed executive's deputy;
- 4953 (B) designating the lowest minimum salary from those deputies' salary ranges as
- 4954 the minimum salary for the appointed executives' salary range; and
- 4955 (C) designating 105% of the highest maximum salary range from those deputies'
- 4956 salary ranges as the maximum salary for the appointed executives' salary range.
- 4957 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
- 4958 may not consider that deputy's salary range in designating the salary range for
- 4959 appointed executives.
- 4960 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for

4961 board or commission executives, the Division of Human Resource Management  
4962 shall set the maximum salary in the salary range for each of those positions at  
4963 90% of the salary for district judges as established in the annual appropriation act  
4964 under Section 67-8-2.

4965 (ii) In establishing the salary ranges for an individual described in Subsection  
4966 (1)(b)(ii) or (iii), the Division of Human Resource Management shall set the  
4967 maximum salary in the salary range for each of those positions at 100% of the  
4968 salary for district judges as established in the annual appropriation act under  
4969 Section 67-8-2.

4970 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the  
4971 governor shall establish a specific salary for each appointed executive within the  
4972 range established under Subsection (2)(b).

4973 (ii) If the executive director of the Department of Health and Human Services is a  
4974 physician, the governor shall establish a salary within the highest physician salary  
4975 range established by the Division of Human Resource Management.

4976 (iii) The governor may provide salary increases for appointed executives within the  
4977 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

4978 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
4979 exempt positions.

4980 (c) The governor may develop standards and criteria for reviewing the appointed  
4981 executives.

4982 (d) If under Section [~~73-10g-602~~] 73-10g-702 the governor appoints an individual who is  
4983 serving in an appointed executive branch position to be the Utah water agent, the  
4984 governor shall adjust the salary of the Utah water agent to account for salary received  
4985 for the appointed executive branch position.

4986 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not  
4987 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
4988 Salary Act, shall be established as provided in Section 63A-17-301.

4989 (5)(a) The Legislature fixes benefits for the appointed executives and the board or  
4990 commission executives as follows:

4991 (i) the option of participating in a state retirement system established by Title 49,  
4992 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation  
4993 plan administered by the State Retirement Office in accordance with the Internal  
4994 Revenue Code and its accompanying rules and regulations;

- 4995 (ii) health insurance;
- 4996 (iii) dental insurance;
- 4997 (iv) basic life insurance;
- 4998 (v) unemployment compensation;
- 4999 (vi) workers' compensation;
- 5000 (vii) required employer contribution to Social Security;
- 5001 (viii) long-term disability income insurance;
- 5002 (ix) the same additional state-paid life insurance available to other noncareer service
- 5003 employees;
- 5004 (x) the same severance pay available to other noncareer service employees;
- 5005 (xi) the same leave, holidays, and allowances granted to Schedule B state employees
- 5006 as follows:
- 5007 (A) sick leave;
- 5008 (B) converted sick leave if accrued prior to January 1, 2014;
- 5009 (C) educational allowances;
- 5010 (D) holidays; and
- 5011 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 5012 provided to Schedule B state employees;
- 5013 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 5014 provided by law or rule upon resignation or retirement according to the same
- 5015 criteria and procedures applied to Schedule B state employees;
- 5016 (xiii) the option to purchase additional life insurance at group insurance rates
- 5017 according to the same criteria and procedures applied to Schedule B state
- 5018 employees; and
- 5019 (xiv) professional memberships if being a member of the professional organization is
- 5020 a requirement of the position.
- 5021 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 5022 executive director from its existing budget.
- 5023 (6) The Legislature fixes the following additional benefits:
- 5024 (a) for the executive director of the State Tax Commission a vehicle for official and
- 5025 personal use;
- 5026 (b) for the executive director of the Department of Transportation a vehicle for official
- 5027 and personal use;
- 5028 (c) for the executive director of the Department of Natural Resources a vehicle for

- 5029 commute and official use;
- 5030 (d) for the commissioner of Public Safety:
- 5031 (i) an accidental death insurance policy if POST certified; and
- 5032 (ii) a public safety vehicle for official and personal use;
- 5033 (e) for the executive director of the Department of Corrections:
- 5034 (i) an accidental death insurance policy if POST certified; and
- 5035 (ii) a public safety vehicle for official and personal use;
- 5036 (f) for the adjutant general a vehicle for official and personal use;
- 5037 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
- 5038 official use; and
- 5039 (h) for the executive director of the Department of Veterans and Military Affairs a
- 5040 vehicle for commute and official use.
- 5041 Section 52. Section **73-2-1.6** is amended to read:
- 5042 **73-2-1.6 . Water Rights Restricted Account.**
- 5043 (1) As used in this section:
- 5044 (a) "Account" means the Water Rights Restricted Account created by this section.
- 5045 (b) "Division" means the Division of Water Rights.
- 5046 (2) There is created in the General Fund a restricted account known as the "Water Rights
- 5047 Restricted Account."
- 5048 (3) The account shall consist of the money deposited into the account under Subsection
- 5049 59-12-103(5)(e).
- 5050 (4) Upon appropriation, the division may use money in the account for:
- 5051 (a) costs incurred by the division that benefit water rights adjudications, including:
- 5052 (i) employing technical staff;
- 5053 (ii) acquiring equipment;
- 5054 (iii) obtaining legal support; and
- 5055 (iv) conducting studies;
- 5056 (A) installing, operating, and maintaining measurement infrastructure; and
- 5057 (B) sharing the costs of installed United States Geological Survey stream gauges;
- 5058 and
- 5059 (b) not to exceed 5% of the money deposited into the account under Subsection
- 5060 59-12-103(5)(e) in the fiscal year preceding the fiscal year of appropriation, costs
- 5061 incurred by the division to acquire, manage, and analyze surface and groundwater
- 5062 data, not limited to geographic areas of adjudication.

- 5063 (5)(a) The account may not exceed \$8,000,000 at the end of a fiscal year.
- 5064 (b) If the account exceeds \$8,000,000 at the end of a fiscal year, the Division of Finance
- 5065 shall deposit into the Water Resources Conservation and Development Fund, created
- 5066 in Section 73-10-24, the money in excess of the amount necessary to maintain the
- 5067 account balance at \$8,000,000.

5068 Section 53. Section **73-10-18** is amended to read:

5069 **73-10-18 . Division of Water Resources -- Creation -- Power and authority.**

- 5070 (1) There is created the Division of Water Resources, which shall be within the Department
- 5071 of Natural Resources under the administration and general supervision of the executive
- 5072 director of the Department of Natural Resources and under the policy direction of the
- 5073 Board of Water Resources.
- 5074 (2) Except for the waters of the Colorado River system that are governed by Title 63M,
- 5075 Chapter 14, Colorado River Authority of Utah Act, or state representation under the
- 5076 Bear River Compact or Columbia Interstate Compact, the Division of Water Resources
- 5077 shall:
- 5078 (a) be the water resource authority for the state; and
- 5079 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah
- 5080 water and power board except those which are delegated to the board by this act and
- 5081 is vested with such other functions, powers, duties, rights and responsibilities as
- 5082 provided in this act and other law.
- 5083 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section
- 5084 73-10g-702, has authority over out-of-state negotiations related to water importation in
- 5085 accordance with Chapter 10g, Part [6] 7, Utah Water Agent, except when limited by
- 5086 Section 73-10g-703.

5087 Section 54. Section **76-5-404.3** is amended to read:

5088 **76-5-404.3 . Aggravated sexual abuse of a child -- Penalties.**

- 5089 (1)(a) As used in this section:
- 5090 (i) "Adult" means the same as that term is defined in Section 76-5-404.1.
- 5091 (ii) "Child" means the same as that term is defined in Section 76-5-404.1.
- 5092 (iii) "Position of special trust" means the same as that term is defined in Section
- 5093 76-5-404.1.
- 5094 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5095 (2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense
- 5096 described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been

- 5097 charged and admitted or found true in the action for the offense:
- 5098 (a) the actor committed the offense:
- 5099 (i) by the use of a dangerous weapon;
- 5100 (ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or
- 5101 (iii) during the course of a kidnapping;
- 5102 (b) the actor caused bodily injury or severe psychological injury to the child during or as
- 5103 a result of the offense;
- 5104 (c) the actor was a stranger to the child or made friends with the child for the purpose of
- 5105 committing the offense;
- 5106 (d) the actor used, showed, or displayed pornography or caused the child to be
- 5107 photographed in a lewd condition during the course of the offense;
- 5108 (e) the actor, prior to sentencing for this offense, was previously convicted of any sexual
- 5109 offense;
- 5110 (f) the actor committed the same or similar sexual act upon two or more individuals at
- 5111 the same time or during the same course of conduct;
- 5112 (g) the actor committed, in Utah or elsewhere, more than five separate acts, which if
- 5113 committed in Utah would constitute an offense described in this chapter, and were
- 5114 committed at the same time, or during the same course of conduct, or before or after
- 5115 the instant offense;
- 5116 (h) the actor occupied a position of special trust in relation to the child; or
- 5117 (i) the actor encouraged, aided, allowed, or [~~benefitted~~] benefited from acts of
- 5118 prostitution or sexual acts by the child with any other individual, sexual performance
- 5119 by the child before any other individual, human trafficking, or human smuggling.
- 5120 (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree
- 5121 felony punishable by a term of imprisonment of:
- 5122 (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and
- 5123 which may be for life;
- 5124 (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact
- 5125 finds that during the course of the commission of the aggravated sexual abuse of a
- 5126 child the defendant caused serious bodily injury to another; or
- 5127 (c) life without parole, if the trier of fact finds that at the time of the commission of the
- 5128 aggravated sexual abuse of a child, the defendant was previously convicted of a
- 5129 grievous sexual offense.
- 5130 (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser

5131 term than the term described in Subsection (3)(a) or (b) is in the interests of justice and  
5132 states the reasons for this finding on the record, the court may impose a term of  
5133 imprisonment of not less than:

5134 (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or

5135 (b) for purposes of Subsection (3)(a) or (b):

5136 (i) 10 years and which may be for life; or

5137 (ii) six years and which may be for life.

5138 (5) The provisions of Subsection (4) do not apply if a defendant is sentenced under  
5139 Subsection (3)(c).

5140 (6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years  
5141 old at the time of the offense.

5142 (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

5143 Section 55. Section **77-11b-104** is amended to read:

5144 **77-11b-104 . Venue.**

5145 Notwithstanding [~~Title 78B, Chapter 3, Part 3, Place of Trial--Venue~~] Title 78B,  
5146 Chapter 3a, Venue for Civil Actions, or any other provision of law, a person may bring an  
5147 action or proceeding under this chapter in the judicial district in which:

5148 (1) the property is seized;

5149 (2) any part of the property is found; or

5150 (3) a civil or criminal action could be maintained against a claimant for the offense  
5151 subjecting the property to forfeiture under this chapter.

5152 Section 56. Section **77-11c-402** is amended to read:

5153 **77-11c-402 . Exceptions to preservation of biological evidence.**

5154 (1) As used in this section, "offense concerning driving under the influence" means:

5155 (a) Section 41-6a-502;

5156 (b) Section 41-6a-502.5;

5157 (c) Section 41-6a-517;

5158 (d) Section 41-6a-530;

5159 (e) Section 76-5-102.1;

5160 (f) Section 76-5-207; and

5161 (g) a local ordinance similar to the offenses described in this Subsection (1).

5162 (2) Section [~~77-11c-402~~] 77-11c-401 does not apply to biological evidence obtained during  
5163 an investigation or prosecution for an offense concerning driving under the influence  
5164 solely for toxicology purposes.



5165 Section 57. Section **77-36-1** is amended to read:

5166 **77-36-1 . Definitions.**

5167 As used in this chapter:

5168 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

5169 (2) "Department" means the Department of Public Safety.

5170 (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4,  
5171 Part 4, Divorce.

5172 (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense  
5173 involving violence or physical harm or threat of violence or physical harm, or any  
5174 attempt, conspiracy, or solicitation to commit a criminal offense involving violence  
5175 or physical harm, when committed by one cohabitant against another.

5176 (b) "Domestic violence" or "domestic violence offense" includes the commission of or  
5177 attempt to commit, any of the following offenses by one cohabitant against another:

5178 (i) aggravated assault under Section 76-5-103;

5179 (ii) aggravated cruelty to an animal under Subsection 76-9-301(4), with the intent to  
5180 harass or threaten the other cohabitant;

5181 (iii) assault under Section 76-5-102;

5182 (iv) criminal homicide under Section 76-5-201;

5183 (v) harassment under Section 76-5-106;

5184 (vi) electronic communication harassment under Section 76-9-201;

5185 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,  
5186 76-5-301.1, and 76-5-302;

5187 (viii) mayhem under Section 76-5-105;

5188 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9

5189 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual  
5190 exploitation of a minor and aggravated sexual exploitation of a minor, as

5191 described in Sections 76-5b-201 and 76-5b-201.1;

5192 (xi) stalking under Section 76-5-106.5;

5193 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;

5194 (xiii) violation of a protective order or ex parte protective order under Section  
5195 76-5-108;

5196 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property

5197 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title

5198 76, Chapter 6, Part 3, Robbery;

- 5199 (xv) possession of a deadly weapon with criminal intent under Section 76-10-507;
- 5200 (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of any
- 5201 person, building, or vehicle under Section 76-10-508;
- 5202 (xvii) disorderly conduct under Section 76-9-102, if a conviction or adjudication of
- 5203 disorderly conduct is the result of a plea agreement in which the perpetrator was
- 5204 originally charged with a domestic violence offense otherwise described in this
- 5205 Subsection (4), except that a conviction or adjudication of disorderly conduct as a
- 5206 domestic violence offense, in the manner described in this Subsection [~~(4)(p)~~]
- 5207 (4)(b), does not constitute a misdemeanor crime of domestic violence under 18
- 5208 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921
- 5209 et seq.;
- 5210 (xviii) child abuse under Section 76-5-114;
- 5211 (xix) threatening use of a dangerous weapon under Section 76-10-506;
- 5212 (xx) threatening violence under Section 76-5-107;
- 5213 (xxi) tampering with a witness under Section 76-8-508;
- 5214 (xxii) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 5215 (xxiii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5216 (xxiv) unlawful distribution of an intimate image under Section 76-5b-203;
- 5217 (xxv) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
- 5218 (xxvi) sexual battery under Section 76-9-702.1;
- 5219 (xxvii) voyeurism under Section 76-9-702.7;
- 5220 (xxviii) damage to or interruption of a communication device under Section 76-6-108;
- 5221 or
- 5222 (xxix) an offense under Subsection 78B-7-806(1).
- 5223 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 5224 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 5225 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 5226 (8) "Married and living together" means a couple whose marriage was solemnized under
- 5227 Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 5228 (9) "Not married" means any living arrangement other than married and living together,
- 5229 divorced, or separated.
- 5230 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 5231 (11) "Pretrial protective order" means a written order:
- 5232 (a) specifying and limiting the contact a person who has been charged with a domestic

5233 violence offense may have with an alleged victim or other specified individuals; and  
 5234 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,  
 5235 pending trial in the criminal case.

5236 (12) "Sentencing protective order" means a written order of the court as part of sentencing  
 5237 in a domestic violence case that limits the contact an individual who is convicted or  
 5238 adjudicated of a domestic violence offense may have with a victim or other specified  
 5239 individuals under Section 78B-7-804.

5240 (13) "Separated" means a couple who have had their marriage solemnized under Section  
 5241 81-2-305 or 81-2-407 and who are not living in the same residence.

5242 (14) "Victim" means a cohabitant who has been subjected to domestic violence.

5243 Section 58. Section **77-40a-303** is amended to read:

5244 **77-40a-303 . Requirements for a certificate of eligibility to expunge records of a**  
 5245 **conviction.**

5246 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a  
 5247 certificate of eligibility from the bureau to expunge the records of a conviction if:

5248 (a) the petitioner has paid in full all fines and interest ordered by the court related to the  
 5249 conviction for which expungement is sought;

5250 (b) the petitioner has paid in full all restitution ordered by the court under Section  
 5251 77-38b-205; and

5252 (c) the following time periods have passed after the day on which the petitioner was  
 5253 convicted or released from incarceration, parole, or probation, whichever occurred  
 5254 last, for the conviction that the petitioner seeks to expunge:

5255 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);

5256 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a  
 5257 controlled substance in an individual's body and causing serious bodily injury or death, as  
 5258 codified before May 4, 2022, Laws of Utah 2021,

5259 Chapter 236, Section 1, Subsection 58-37-8(2)(g);

5260 (iii) seven years for the conviction of a felony;

5261 (iv) five years for the conviction of a drug possession offense that is a felony;

5262 (v) five years for the conviction of a class A misdemeanor;

5263 (vi) four years for the conviction of a class B misdemeanor; or

5264 (vii) three years for the conviction of a class C misdemeanor or infraction.

5265 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to  
 5266 expunge the records of a conviction under Subsection (1) if:

- 5267 (a) except as provided in Subsection (3), the conviction for which expungement is  
5268 sought is:
- 5269 (i) a capital felony;
  - 5270 (ii) a first degree felony;
  - 5271 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5  
5272 (1)(c)(i);
  - 5273 (iv) a felony conviction described in Subsection 41-6a-501(2);
  - 5274 (v) an offense, or a combination of offenses, that would require the individual to  
5275 register as a sex offender, as defined in Section 77-41-102; or
  - 5276 (vi) a registerable child abuse offense as defined in Subsection 77-41-102(1);
- 5277 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against  
5278 the petitioner, unless the criminal proceeding is for a traffic offense;
- 5279 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the  
5280 petitioner, unless the plea in abeyance is for a traffic offense;
- 5281 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the  
5282 petitioner is on probation or parole for an infraction, a traffic offense, or a minor  
5283 regulatory offense;
- 5284 (e) the petitioner intentionally or knowingly provides false or misleading information on  
5285 the application for a certificate of eligibility;
- 5286 (f) there is a criminal protective order or a criminal stalking injunction in effect for the  
5287 case; or
- 5288 (g) the bureau determines that the petitioner's criminal history makes the petitioner  
5289 ineligible for a certificate of eligibility under Subsection (4) or (5).
- 5290 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as  
5291 defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed  
5292 the offense was at least 14 years old but under 18 years old, unless the petitioner was  
5293 convicted by a district court as an adult in accordance with [~~Title 80, Chapter 6, Part 5;~~  
5294 ~~Transfer to District Court~~] Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 5295 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate  
5296 of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau  
5297 determines that the petitioner's criminal history, including previously expunged  
5298 convictions, contains any of the following:
- 5299 (a) two or more felony convictions other than for drug possession offenses, each of  
5300 which is contained in a separate criminal episode;

- 5301 (b) any combination of three or more convictions other than for drug possession offenses  
5302 that include two class A misdemeanor convictions, each of which is contained in a  
5303 separate criminal episode;
- 5304 (c) any combination of four or more convictions other than for drug possession offenses  
5305 that include three class B misdemeanor convictions, each of which is contained in a  
5306 separate criminal episode; or
- 5307 (d) five or more convictions other than for drug possession offenses of any degree  
5308 whether misdemeanor or felony, each of which is contained in a separate criminal  
5309 episode.
- 5310 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of  
5311 eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau  
5312 determines that the petitioner's criminal history, including previously expunged  
5313 convictions, contains any of the following:
- 5314 (a) three or more felony convictions for drug possession offenses, each of which is  
5315 contained in a separate criminal episode; or
- 5316 (b) any combination of five or more convictions for drug possession offenses, each of  
5317 which is contained in a separate criminal episode.
- 5318 (6) If the petitioner's criminal history contains convictions for both a drug possession  
5319 offense and a non-drug possession offense arising from the same criminal episode, the  
5320 bureau shall count that criminal episode as a conviction under Subsection (4) if any  
5321 non-drug possession offense in that episode:
- 5322 (a) is a felony or class A misdemeanor; or
- 5323 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug  
5324 possession offense in that episode.
- 5325 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on  
5326 which the petitioner was convicted or released from incarceration, parole, or probation,  
5327 whichever occurred last, for all convictions:
- 5328 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by  
5329 one; and
- 5330 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if  
5331 the highest level of convicted offense in the criminal episode is:
- 5332 (i) a class B misdemeanor;
- 5333 (ii) a class C misdemeanor;
- 5334 (iii) a drug possession offense if none of the non-drug possession offenses in the

- 5335 criminal episode are a felony or a class A misdemeanor; or  
 5336 (iv) an infraction.
- 5337 (8) When determining whether a petitioner is eligible for a certificate of eligibility under  
 5338 Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or  
 5339 prior conviction for:
- 5340 (a) an infraction;  
 5341 (b) a traffic offense;  
 5342 (c) a minor regulatory offense; or  
 5343 (d) a clean slate eligible case that was automatically expunged.
- 5344 (9) If the petitioner received a pardon before May 14, 2013, from the Utah Board of  
 5345 Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned  
 5346 crimes in accordance with Section 77-27-5.1.
- 5347 Section 59. Section **78A-6-103** is amended to read:
- 5348 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**  
 5349 **Findings -- Transfer of a case from another court.**
- 5350 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:
- 5351 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
 5352 state, or federal law, that was committed by a child;
- 5353 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
 5354 state, or federal law, that was committed by an individual:
- 5355 (i) who is under 21 years old at the time of all court proceedings; and  
 5356 (ii) who was under 18 years old at the time the offense was committed; and
- 5357 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,  
 5358 that was committed:
- 5359 (i) by an individual:
- 5360 (A) who was 18 years old and enrolled in high school at the time of the offense;  
 5361 and  
 5362 (B) who is under 21 years old at the time of all court proceedings; and
- 5363 (ii) on school property where the individual was enrolled:
- 5364 (A) when school was in session; or  
 5365 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 5366 (2) The juvenile court has original jurisdiction over:
- 5367 (a) any proceeding concerning:
- 5368 (i) a child who is an abused child, neglected child, or dependent child;

- 5369 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,  
5370 Child Protective Orders;
- 5371 (iii) the appointment of a guardian of the individual or other guardian of a minor who  
5372 comes within the court's jurisdiction under other provisions of this section;
- 5373 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,  
5374 Emancipation;
- 5375 (v) the termination of parental rights in accordance with Title 80, Chapter 4,  
5376 Termination and Restoration of Parental Rights, including termination of residual  
5377 parental rights and duties;
- 5378 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 5379 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in  
5380 accordance with Section 81-2-304;
- 5381 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 5382 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 5383 (x) the treatment or commitment of a child with a mental illness;
- 5384 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with  
5385 Section 26B-5-204;
- 5386 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,  
5387 Part 4, Competency;
- 5388 (xiii) de novo review of final agency actions resulting from an informal adjudicative  
5389 proceeding as provided in Section 63G-4-402;
- 5390 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,  
5391 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered  
5392 an order terminating the rights of a parent and finds that adoption is in the best  
5393 interest of the child;
- 5394 (xv) an ungovernable or runaway child who is referred to the juvenile court by the  
5395 Division of Juvenile Justice and Youth Services if, despite earnest and persistent  
5396 efforts by the Division of Juvenile Justice and Youth Services, the child has  
5397 demonstrated that the child:
- 5398 (A) is beyond the control of the child's parent, guardian, or custodian to the extent  
5399 that the child's behavior or condition endangers the child's own welfare or the  
5400 welfare of others; or
- 5401 (B) has run away from home; and
- 5402 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an

- 5403 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for  
 5404 failure to comply with a promise to appear and bring a child to the juvenile court;
- 5405 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and  
 5406 Expungement;
- 5407 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 5408 (d) a petition for special findings under Section 80-3-305; and
- 5409 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 5410 (3) The juvenile court does not have original jurisdiction over an offense committed by a  
 5411 minor as described in Subsection (1) if:
- 5412 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 5413 (b) the district court has original jurisdiction over the offense under Subsection  
 5414 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense  
 5415 under Section 78A-6-103.5; or
- 5416 (c) the justice court has original jurisdiction over the offense under Subsection  
 5417 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense  
 5418 under Section 78A-6-103.5.
- 5419 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law  
 5420 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection  
 5421 (2)(a)(xvi), (b), or (c).
- 5422 (5) This section does not restrict the right of access to the juvenile court by private agencies  
 5423 or other persons.
- 5424 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising  
 5425 under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5,  
 5426 Minor Tried as an Adult.
- 5427 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,  
 5428 or without merit, in accordance with Section 80-3-404.
- 5429 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by  
 5430 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.
- 5431 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in  
 5432 Subsection 78B-7-303(8).
- 5433 Section 60. Section **78B-5-618** is amended to read:
- 5434 **78B-5-618 . Patient access to medical records -- Third-party access to medical**  
 5435 **records -- Medical records services -- Fees -- Standard form.**
- 5436 (1) As used in this section:



- 5437 (a) "Force majeure event" means an event or circumstance beyond the control of the  
5438 health care provider or the health care provider's third-party service, including fires,  
5439 floods, earthquakes, acts of God, lockouts, ransomware, or strikes.
- 5440 (b) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 5441 (c) "History of poor payment" means three or more invoices where payment is more  
5442 than 30 days late within a 12-month period.
- 5443 (d) "Indigent individual" means an individual whose household income is at or below  
5444 100% of the federal poverty level as defined in Section 26B-3-113.
- 5445 (e) "Inflation" means the unadjusted Consumer Price Index, as published by the Bureau  
5446 of Labor Statistics of the United States Department of Labor, that measures the  
5447 average changes in prices of goods and services purchased by urban wage earners  
5448 and clerical workers.
- 5449 (f) "Payment and balance information" means:
- 5450 (i) all payments the health care provider has received for providing health care to the  
5451 patient; and
- 5452 (ii) the total balance owed to the health care provider for providing the health care to  
5453 the patient.
- 5454 (g) "Qualified claim or appeal" means a claim or appeal under any:
- 5455 (i) provision of the Social Security Act as defined in Section 67-11-2; or  
5456 (ii) federal or state financial needs-based benefit program.
- 5457 (h) "Third-party service" means a service that has entered into a contract with a health  
5458 care provider to provide patient records on behalf of a health care provider.
- 5459 (2) Pursuant to Standards for Privacy of Individually Identifiable Health Information, 45  
5460 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may inspect or  
5461 receive a copy of the patient's records from a health care provider when that health care  
5462 provider is governed by the provisions of 45 C.F.R., Parts 160 and 164.
- 5463 (3) When a health care provider is not governed by Standards for Privacy of Individually  
5464 Identifiable Health Information, 45 C.F.R., Parts 160 and 164, a patient or a patient's  
5465 personal representative may inspect or receive a copy of the patient's records unless  
5466 access to the records is restricted by law or judicial order.
- 5467 (4) A health care provider who provides a paper or electronic copy of a patient's records to  
5468 the patient or the patient's personal representative:
- 5469 (a) shall provide the copy within the deadlines required by the Health Insurance  
5470 Portability and Accountability Act of 1996, Administrative Simplification rule, 45

- 5471 C.F.R. Sec. 164.524(b); and
- 5472 (b) may charge a reasonable cost-based fee provided that the fee includes only the cost  
5473 of:
- 5474 (i) copying, including the cost of supplies for and labor of copying; and
- 5475 (ii) postage, when the patient or patient's personal representative has requested the  
5476 copy be mailed.
- 5477 (5)(a) Except for records provided under Section 26B-8-411, a health care provider or a  
5478 health care provider's third-party service that provides a copy of a patient's records to  
5479 a patient's attorney, legal representative, or other third party authorized to receive  
5480 records:
- 5481 (i) shall provide the copy within 30 days after receipt of notice;
- 5482 (ii) may charge a reasonable fee for paper or electronic copies, but may not exceed  
5483 the following rates:
- 5484 (A) \$30 per request for locating a patient's records;
- 5485 (B) reproduction charges may not exceed 53 cents per page for the first 40 pages  
5486 and 32 cents per page for each additional page;
- 5487 (C) the cost of postage when the requester has requested the copy be mailed;
- 5488 (D) if requested, the person fulfilling the request will certify the record as a  
5489 duplicate of the original for a fee of \$20; and
- 5490 (E) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act; and
- 5491 (iii) may charge an expedition fee of \$20 if:
- 5492 (A) the requester's notice explicitly requests an expedited response; and
- 5493 (B) the person fulfilling the request postmarks or otherwise makes the record  
5494 available electronically within 15 days from the day the person fulfilling the  
5495 request receives notice of the request.
- 5496 (b) Notwithstanding the provisions of Subsection (5)(a)(ii) and subject to Subsection  
5497 (5)(c), in the event the requested records are not postmarked or otherwise made  
5498 available electronically by the person fulfilling the request:
- 5499 (i) within 30 days after the day on which notice is received by the person fulfilling  
5500 the request, the person fulfilling the request shall waive 50% of the fee; or
- 5501 (ii) within 60 days after the day on which notice is received by the person fulfilling  
5502 the request, the person fulfilling the request shall provide the requested records  
5503 free of charge to the requester.
- 5504 (c) Performance under Subsection (5)(b) shall be extended in accordance with

- 5505 Subsection (5)(d) if the person fulfilling the request notifies the requester of:
- 5506 (i) the occurrence of a force majeure event within 10 days from the day:
- 5507 (A) the force majeure event occurs; or
- 5508 (B) the person fulfilling the request receives notice of the request; and
- 5509 (ii) the termination of the force majeure event within 10 days from the day the force
- 5510 majeure event terminates.
- 5511 (d) In accordance with Subsection (5)(c), for a force majeure event:
- 5512 (i) that lasts less than eight days, the person fulfilling the request shall, if the records
- 5513 are not postmarked or otherwise made available electronically within:
- 5514 (A) 30 days of the day the force majeure event ends, waive 50% of the fee for
- 5515 providing the records; and
- 5516 (B) 60 days of the day the force majeure event ends, waive the entire fee for
- 5517 providing the records;
- 5518 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request
- 5519 shall, if the records are not postmarked or otherwise made available electronically
- 5520 within:
- 5521 (A) 60 days of the day the force majeure event ends, waive 50% of the fee for
- 5522 providing the records; and
- 5523 (B) 90 days of the day the force majeure event ends, waive the entire fee for
- 5524 providing the records; and
- 5525 (iii) that lasts more than 30 days, the person fulfilling the request shall, if the records
- 5526 are not postmarked or otherwise made available electronically within:
- 5527 (A) 90 days of the day the force majeure event ends, waive 50% of the fee for
- 5528 providing the records; and
- 5529 (B) 120 days of the day the force majeure event ends, waive the entire fee for
- 5530 providing the records.
- 5531 (e)(i) A third-party service may require prepayment before sending records for a
- 5532 request under this Subsection (5) if the third-party service:
- 5533 (A) determines the requester has a history of poor payment; and
- 5534 (B) notifies the requester, within the time periods described in Subsections
- 5535 (5)(b)(i) and (ii), that the records will be sent as soon as the request has been
- 5536 prepaid.
- 5537 (ii) The fee reductions described in Subsection (5)(d) do not apply if a third-party
- 5538 service complies with Subsection (5)(e)(i).

- 5539 (f) If a third-party service does not possess or have access to the data necessary to fulfill  
5540 a request, the third-party service shall notify:
- 5541 (i) the requester that the request cannot be fulfilled; and
- 5542 (ii) state the reasons for the third-party service's inability to fulfill the request within  
5543 30 days from the day on which the request is received by the third-party service.
- 5544 (g) A patient's attorney, legal representative, or other third party authorized to receive  
5545 records may request patient records directly from a third-party service.
- 5546 (6)(a) A separate notice of request for payment and balance information shall:
- 5547 (i) clearly indicate that the request is only for payment and balance information; and
- 5548 (ii) indicate the name, telephone number, email address, and address of the requester.
- 5549 (b) A health care provider or third-party service fulfilling a request for payment and  
5550 balance information from a patient's attorney, legal representative, or other  
5551 third-party representative, shall fulfill the request within 30 days after the day on  
5552 which notice is received by the health care provider or by the third-party service,  
5553 whichever is fulfilling the request, by:
- 5554 (i) mailing a postmarked copy of the information to the requester; or
- 5555 (ii) providing the information electronically or telephonically.
- 5556 (c) A health care provider or third-party service that is responsible for fulfilling a request  
5557 for payment and balance information but fails to:
- 5558 (i) fulfill the request within 30 days, in accordance with Subsection (6)(b), shall pay,  
5559 as a penalty, \$50; and
- 5560 (ii) fulfill the request within 60 days shall pay, as a penalty, an additional \$150.
- 5561 (d) A health care provider or third-party service obligated to pay a penalty under  
5562 Subsection (6)(c) shall pay the amount owed:
- 5563 (i) to reduce any amount the patient owes to the health care provider for the provision  
5564 of health care, after any third-party obligations to pay, if the amount owed is more  
5565 than the penalty;
- 5566 (ii) directly to the patient, if the requested payment and balance information reflects  
5567 that the patient owes no amount to the health care provider for the provision of  
5568 health care services; or
- 5569 (iii) allocated between:
- 5570 (A) a payment to satisfy the amount the patient owes to the health care provider  
5571 for the provision of health care, as indicated on the payment and balance  
5572 information; and

- 5573 (B) a payment in the amount of any remaining penalty obligation to the patient.
- 5574 (e) A third-party service may satisfy any obligation to pay a penalty under Subsection
- 5575 (6)(c) by remitting the penalty amount to the health care provider to be allocated in
- 5576 accordance with Subsection (6)(d).
- 5577 (7) A health care provider or third-party service shall, if the health care provider or the
- 5578 third-party service responding to a request for payment and balance information is
- 5579 unable to comply with Subsection (6)(b), provide a written response that includes:
- 5580 (a) contact information, if known, for the individual who the requester may contact to
- 5581 fulfill the request; and
- 5582 (b) the reason for not complying with Subsection (6)(b).
- 5583 (8)(a) Subject to Subsection (8)(b), a health care provider that contracts with a
- 5584 third-party service to fulfill the health care provider's medical record requests shall
- 5585 file a statement with the Division of Professional Licensing containing:
- 5586 (i) the name of the third-party service;
- 5587 (ii) the phone number of the third-party service;
- 5588 (iii) the fax number, email address, website portal address, if applicable, and mailing
- 5589 address for the third-party service where medical record requests can be sent for
- 5590 fulfillment; and
- 5591 (iv) beginning January 1, 2025, whether the third-party service is authorized to fulfill
- 5592 requests for patient medical records for patient payment and balance information.
- 5593 (b) If an individual health care provider is an employee or contractor of an organization
- 5594 that is a health care provider and that contracts with a third-party service to fulfill the
- 5595 medical record requests for the individual health care provider, the organization may
- 5596 file the statement under Subsection (8)(a) on behalf of the organization's employees
- 5597 and contractors.
- 5598 (c) A health care provider described in Subsection (8)(a) shall update the filing
- 5599 described in Subsection (8)(a) as necessary to ensure that the information is accurate.
- 5600 (d) The Division of Professional Licensing shall develop a form for a health care
- 5601 provider to complete that provides the information required by Subsection (8)(a).
- 5602 (e) The Division of Professional Licensing shall:
- 5603 (i) maintain an index of statements described in Subsection (8)(a) arranged
- 5604 alphabetically by entity; and
- 5605 (ii) make the index available to the public electronically on the Division of
- 5606 Professional Licensing's website.

- 5607 (9) A health care provider or the health care provider's third-party service shall deliver the  
5608 medical records in the electronic medium customarily used by the person fulfilling the  
5609 request or in a universally readable image such as portable document format:
- 5610 (a) if the patient, patient's personal representative, or a third party authorized to receive  
5611 the records requests the records be delivered in an electronic medium; and
  - 5612 (b) the original medical record is readily producible in an electronic medium.
- 5613 (10)(a) Except as provided in Subsections (10)(b) through (d), the per page fee in  
5614 Subsections (4) and (5) applies to medical records reproduced electronically or on  
5615 paper.
- 5616 (b) The per page fee for producing a copy of records in an electronic medium shall be  
5617 50% of the per page fee otherwise provided in this section, regardless of whether the  
5618 original medical records are stored in electronic format.
  - 5619 (c)(i) A health care provider or a health care provider's third-party service shall  
5620 deliver the medical records in the electronic medium customarily used by the  
5621 health care provider or the health care provider's third-party service or in a  
5622 universally readable image, such as portable document format, if the patient,  
5623 patient's personal representative, patient's attorney, legal representative, or a third  
5624 party authorized to receive the records, requests the records be delivered in an  
5625 electronic medium.
  - 5626 (ii) A person fulfilling the request under Subsection (10)(c)(i):
    - 5627 (A) shall provide the requested information within 30 days; and
    - 5628 (B) may not charge a fee for the electronic copy that exceeds \$150 regardless of  
5629 the number of pages and regardless of whether the original medical records are  
5630 stored in electronic format.
  - 5631 (d) Subject to Subsection (10)(e), in the event the requested records under Subsection  
5632 (10)(c)(i) are not postmarked or otherwise made available electronically by the  
5633 person fulfilling the request:
    - 5634 (i) within 30 days after the day notice is received by the person fulfilling the request,  
5635 the person fulfilling the request may not charge a fee for the electronic copy that  
5636 exceeds \$75 regardless of the number of pages and regardless of whether the  
5637 original medical records are stored in electronic format; or
    - 5638 (ii) within 60 days after the day notice is received by the person fulfilling the request,  
5639 the person fulfilling the request shall provide the requested records free of charge  
5640 to the requester.

- 5641 (e) Performance under Subsection (10)(d) shall be extended in accordance with  
5642 Subsection (10)(f) if the person fulfilling the request notifies the requester of:  
5643 (i) the occurrence of a force majeure event within 10 days from the day:  
5644 (A) the force majeure event occurs; or  
5645 (B) the person fulfilling the request receives notice of the request; and  
5646 (ii) the termination of the force majeure event within 10 days from the day the force  
5647 majeure event terminates.
- 5648 (f) In accordance with Subsection (10)(e), for a force majeure event:  
5649 (i) that lasts less than eight days, the person fulfilling the request, if the records are  
5650 not postmarked or otherwise made available electronically within:  
5651 (A) 30 days of the day the force majeure event ends, may not charge a fee for an  
5652 electronic copy that exceeds \$75 regardless of the number of pages and  
5653 regardless of whether the original medical records are stored in electronic  
5654 format; and  
5655 (B) 60 days of the day the force majeure event ends, shall waive the entire fee for  
5656 providing the records;  
5657 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request,  
5658 if the records are not postmarked or otherwise made available electronically  
5659 within:  
5660 (A) 60 days of the day the force majeure event ends, may not charge a fee for an  
5661 electronic copy that exceeds \$75 regardless of the number of pages and  
5662 regardless of whether the original medical records are stored in electronic  
5663 format; and  
5664 (B) 90 days of the day the force majeure event ends, shall waive the entire fee for  
5665 providing the records; and  
5666 (iii) that lasts more than 30 days, the person fulfilling the request, if the records are  
5667 not postmarked or otherwise made available electronically within:  
5668 (A) 90 days of the day the force majeure event ends, may not charge a fee for an  
5669 electronic copy that exceeds \$75 regardless of the number of pages and  
5670 regardless of whether the original medical records are stored in electronic  
5671 format; and  
5672 (B) 120 days of the day the force majeure event ends, shall waive the entire fee for  
5673 providing the records.
- 5674 (11)(a) On January 1 of each year, the state treasurer shall adjust the following fees for

- 5675 inflation:
- 5676 (i) the fee for providing patient's records under Subsections [~~(5)(a)(iii)(A)~~]
- 5677 ~~(5)(a)(ii)(A)~~ and (B); and
- 5678 (ii) the maximum amount that may be charged for an electronic copy under
- 5679 Subsection (10)(c)(ii)(B).
- 5680 (b) On or before January 30 of each year, the state treasurer shall:
- 5681 (i) certify the inflation-adjusted fees and maximum amounts calculated under this
- 5682 section; and
- 5683 (ii) notify the Administrative Office of the Courts of the information described in
- 5684 Subsection (11)(b)(i) for posting on the court's website.
- 5685 (12) Notwithstanding Subsections (4) through (8), if a request for a medical record is
- 5686 accompanied by documentation of a qualified claim or appeal, a health care provider or
- 5687 the health care provider's third-party service:
- 5688 (a) may not charge a fee for the first copy of the record for each date of service that is
- 5689 necessary to support the qualified claim or appeal in each calendar year;
- 5690 (b) for a second or subsequent copy in a calendar year of a date of service that is
- 5691 necessary to support the qualified claim or appeal, may charge a reasonable fee that
- 5692 may not:
- 5693 (i) exceed 60 cents per page for paper photocopies;
- 5694 (ii) exceed a reasonable cost for copies of X-ray photographs and other health care
- 5695 records produced by similar processes;
- 5696 (iii) include an administrative fee or additional service fee related to the production of
- 5697 the medical record; or
- 5698 (iv) exceed the fee provisions for an electronic copy under Subsection (10)(c); and
- 5699 (c) shall provide the health record within 30 days after the day on which the request is
- 5700 received by the health care provider.
- 5701 (13)(a) Except as otherwise provided in Subsections (4) through (8), a health care
- 5702 provider or the health care provider's third-party service shall waive all fees under
- 5703 this section for an indigent individual.
- 5704 (b) A health care provider or the health care provider's third-party service may require
- 5705 the indigent individual or the indigent individual's authorized representative to
- 5706 provide proof that the individual is an indigent individual by executing an affidavit.
- 5707 (c)(i) An indigent individual that receives copies of a medical record at no charge
- 5708 under this Subsection (13) is limited to one copy for each date of service for each



- 5709 health care provider, or the health care provider's third-party service, in each  
 5710 calendar year.
- 5711 (ii) Any request for additional copies in addition to the one copy allowed under  
 5712 Subsection (13)(c) is subject to the fee provisions described in Subsection (12).
- 5713 (14) By January 1, 2023, a health care provider and all of the health care provider's  
 5714 contracted third party health related services shall accept a properly executed form  
 5715 described in Section 26B-8-514.
- 5716 Section 61. Section **78B-6-501** is amended to read:
- 5717 **78B-6-501 . Eminent domain -- Uses for which right may be exercised --**
- 5718 **Limitations on eminent domain.**
- 5719 (1) As used in this section:
- 5720 (a) "Century farm" means real property that is:
- 5721 (i) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and  
 5722 (ii) owned or held by the same family for a continuous period of 100 years or more.
- 5723 (b) "Mineral or element" means the same as that term is defined in Section 65A-17-101.
- 5724 (c)(i) "Mining use" means:
- 5725 (A) the full range of permitted or active activities, from prospecting and  
 5726 exploration to reclamation and closure, associated with the exploitation of a  
 5727 mineral deposit; and
- 5728 (B) the use of the surface, subsurface, groundwater, and surface water of an area  
 5729 in connection with the activities described in Subsection (1)(c)(i)(A) that have  
 5730 been, are being, or will be conducted.
- 5731 (ii) "Mining use" includes, whether conducted on-site or off-site:
- 5732 (A) sampling, staking, surveying, exploration, or development activity;  
 5733 (B) drilling, blasting, excavating, or tunneling;  
 5734 (C) the removal, transport, treatment, deposition, and reclamation of overburden,  
 5735 development rock, tailings, and other waste material;  
 5736 (D) the recovery of sand and gravel;  
 5737 (E) removal, transportation, extraction, beneficiation, or processing of ore;  
 5738 (F) use of solar evaporation ponds and other facilities for the recovery of minerals  
 5739 in solution;  
 5740 (G) smelting, refining, autoclaving, or other primary or secondary processing  
 5741 operation;  
 5742 (H) the recovery of any mineral left in residue from a previous extraction or

- 5743 processing operation;
- 5744 (I) a mining activity that is identified in a work plan or permitting document;
- 5745 (J) the use, operation, maintenance, repair, replacement, construction, or alteration
- 5746 of a building, structure, facility, equipment, machine, tool, or other material or
- 5747 property that results from or is used in a surface or subsurface mining operation
- 5748 or activity;
- 5749 (K) an accessory, incidental, or ancillary activity or use, both active and passive,
- 5750 including a utility, private way or road, pipeline, land excavation, working,
- 5751 embankment, pond, gravel excavation, mining waste, conveyor, power line,
- 5752 trackage, storage, reserve, passive use area, buffer zone, and power production
- 5753 facility;
- 5754 (L) the construction of a storage, factory, processing, or maintenance facility; and
- 5755 (M) an activity described in Subsection [~~40-8-4(17)(a)~~] 40-8-4(19)(a).
- 5756 (2) Except as provided in Subsections (3), (4), and (5) and subject to the provisions of this
- 5757 part, the right of eminent domain may be exercised on behalf of the following public
- 5758 uses:
- 5759 (a) all public uses authorized by the federal government;
- 5760 (b) public buildings and grounds for the use of the state, and all other public uses
- 5761 authorized by the Legislature;
- 5762 (c)(i) public buildings and grounds for the use of any county, city, town, or board of
- 5763 education;
- 5764 (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or
- 5765 sewage, including to or from a development, for the use of the inhabitants of any
- 5766 county, city, or town, or for the draining of any county, city, or town;
- 5767 (iii) the raising of the banks of streams, removing obstructions from streams, and
- 5768 widening, deepening, or straightening their channels;
- 5769 (iv) bicycle paths and sidewalks adjacent to paved roads;
- 5770 (v) roads, byroads, streets, and alleys for public vehicular use, including for access to
- 5771 a development; and
- 5772 (vi) all other public uses for the benefit of any county, city, or town, or its inhabitants;
- 5773 (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and
- 5774 turnpike roads, roads for transportation by traction engines or road locomotives,
- 5775 roads for logging or lumbering purposes, and railroads and street railways for public
- 5776 transportation;

- 5777 (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes for  
5778 the supplying of persons, mines, mills, smelters or other works for the reduction of  
5779 ores, with water for domestic or other uses, or for irrigation purposes, or for the  
5780 draining and reclaiming of lands, or for solar evaporation ponds and other facilities  
5781 for the recovery of minerals or elements in solution;
- 5782 (f)(i) roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places  
5783 to access or facilitate the milling, smelting, or other reduction of ores, or the  
5784 working of mines, quarries, coal mines, or mineral deposits including oil, gas, and  
5785 minerals or elements in solution;
- 5786 (ii) outlets, natural or otherwise, for the deposit or conduct of tailings, refuse or water  
5787 from mills, smelters or other works for the reduction of ores, or from mines,  
5788 quarries, coal mines or mineral deposits including minerals or elements in solution;
- 5789 (iii) mill dams;
- 5790 (iv) gas, oil or coal pipelines, tanks or reservoirs, including any subsurface stratum or  
5791 formation in any land for the underground storage of natural gas, and in  
5792 connection with that, any other interests in property which may be required to  
5793 adequately examine, prepare, maintain, and operate underground natural gas  
5794 storage facilities;
- 5795 (v) subject to Subsection (6), solar evaporation ponds and other facilities for the  
5796 recovery of minerals in solution; and
- 5797 (vi) any occupancy in common by the owners or possessors of different mines,  
5798 quarries, coal mines, mineral deposits, mills, smelters, or other places for the  
5799 reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse  
5800 matter;
- 5801 (g) byroads leading from a highway to:
- 5802 (i) a residence; or
- 5803 (ii) a farm;
- 5804 (h) telecommunications, electric light and electric power lines, sites for electric light and  
5805 power plants, or sites for the transmission of broadcast signals from a station licensed  
5806 by the Federal Communications Commission in accordance with 47 C.F.R. Part 73  
5807 and that provides emergency broadcast services;
- 5808 (i) sewage service for:
- 5809 (i) a city, a town, or any settlement of not fewer than 10 families;
- 5810 (ii) a public building belonging to the state; or

- 5811 (iii) a college or university;
- 5812 (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and  
5813 storing water for the operation of machinery for the purpose of generating and  
5814 transmitting electricity for power, light or heat;
- 5815 (k) cemeteries and public parks; and
- 5816 (l) sites for mills, smelters or other works for the reduction of ores and necessary to their  
5817 successful operation, including the right to take lands for the discharge and natural  
5818 distribution of smoke, fumes, and dust, produced by the operation of works, provided  
5819 that the powers granted by this section may not be exercised in any county where the  
5820 population exceeds 20,000, or within one mile of the limits of any city or  
5821 incorporated town nor unless the proposed condemner has the right to operate by  
5822 purchase, option to purchase or easement, at least 75% in value of land acreage  
5823 owned by persons or corporations situated within a radius of four miles from the mill,  
5824 smelter or other works for the reduction of ores; nor beyond the limits of the  
5825 four-mile radius; nor as to lands covered by contracts, easements, or agreements  
5826 existing between the condemner and the owner of land within the limit and providing  
5827 for the operation of such mill, smelter, or other works for the reduction of ores; nor  
5828 until an action shall have been commenced to restrain the operation of such mill,  
5829 smelter, or other works for the reduction of ores.
- 5830 (3) The right of eminent domain may not be exercised on behalf of the following uses:
- 5831 (a) except as provided in Subsection (2)(c)(iv), trails, paths, or other ways for walking,  
5832 hiking, bicycling, equestrian use, or other recreational uses, or whose primary  
5833 purpose is as a foot path, equestrian trail, bicycle path, or walkway;
- 5834 (b)(i) a public park whose primary purpose is:
- 5835 (A) as a trail, path, or other way for walking, hiking, bicycling, or equestrian use;  
5836 or
- 5837 (B) to connect other trails, paths, or other ways for walking, hiking, bicycling, or  
5838 equestrian use; or
- 5839 (ii) a public park established on real property that is:
- 5840 (A) a century farm; and  
5841 (B) located in a county of the first class.
- 5842 (4)(a) The right of eminent domain may not be exercised within a migratory bird  
5843 production area created on or before December 31, 2020, under Title 23A, Chapter  
5844 13, Migratory Bird Production Area, except as follows:

- 5845 (i) subject to Subsection (4)(b), an electric utility may condemn land within a  
5846 migratory bird production area located in a county of the first class only for the  
5847 purpose of installing buried power lines;
- 5848 (ii) an electric utility may condemn land within a migratory bird production area in a  
5849 county other than a county of the first class to install:
- 5850 (A) buried power lines; or
- 5851 (B) a new overhead transmission line that is parallel to and abutting an existing  
5852 overhead transmission line or collocated within an existing overhead  
5853 transmission line right of way; or
- 5854 (iii) the Department of Transportation may exercise eminent domain for the purpose  
5855 of the construction of the West Davis Highway.
- 5856 (b) Before exercising the right of eminent domain under Subsection (4)(a)(i), the electric  
5857 utility shall demonstrate that:
- 5858 (i) the proposed condemnation would not have an unreasonable adverse effect on the  
5859 preservation, use, and enhancement of the migratory bird production area; and
- 5860 (ii) there is no reasonable alternative to constructing the power line within the  
5861 boundaries of a migratory bird production area.
- 5862 (5) If the intended public purpose is for a mining use, a private person may not exercise the  
5863 power of eminent domain over property, or an interest in property, that is already used  
5864 for a mining use within the boundary of:
- 5865 (a) a permit area, as defined in Section 40-8-4;
- 5866 (b) an area for which a permit has been issued by the Division of Water Quality, as part  
5867 of the underground injection control program, under rules made by the Water Quality  
5868 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 5869 (c) private property; or
- 5870 (d) an area under a state or federal lease.
- 5871 (6)(a) For the purpose of solar evaporation ponds and other facilities for the recovery of  
5872 minerals or elements in solution on or from the Great Salt Lake, a public use includes  
5873 removal or extinguishment, by a state entity, in whole or in part, on Great Salt Lake  
5874 Sovereign lands of:
- 5875 (i) a solar evaporation pond;
- 5876 (ii) improvements, property, easements, or rights-of-way appurtenant to a solar  
5877 evaporation pond, including a lease hold; or
- 5878 (iii) other facilities for the recovery of minerals or elements in solution.

5879 (b) The public use under this Subsection (6) is in the furtherance of the benefits to public  
5880 trust assets attributable to the Great Salt Lake under Section 65A-1-1.

5881 Section 62. Section **78B-7-805** is amended to read:

5882 **78B-7-805 . Sentencing protective orders and continuous protective orders for an**  
5883 **offense that is not domestic violence -- Modification -- Expiration.**

5884 (1) Before a perpetrator has been convicted of or adjudicated for an offense that is not  
5885 domestic violence is placed on probation, the court may consider the safety and  
5886 protection of the victim and any member of the victim's family or household.

5887 (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance  
5888 with a sentencing protective order that includes:

5889 (a) an order enjoining the perpetrator from threatening to commit or committing acts of  
5890 domestic violence against the victim or other family or household member;

5891 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or  
5892 otherwise communicating with the victim, directly or indirectly;

5893 (c) an order requiring the perpetrator to stay away from the victim's residence, school,  
5894 place of employment, and the premises of any of these, or a specified place  
5895 frequented regularly by the victim or any designated family or household member;

5896 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm  
5897 or other specified weapon;

5898 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or  
5899 possesses; and

5900 (f) an order imposing any other condition necessary to protect the victim and any other  
5901 designated family or household member or to rehabilitate the perpetrator.

5902 (3)(a) If a perpetrator is convicted of an offense that is not domestic violence resulting in  
5903 a sentence of imprisonment that is to be served after conviction, the court may issue a  
5904 continuous protective order at the time of the conviction or sentencing limiting the  
5905 contact between the perpetrator and the victim if the court determines by clear and  
5906 convincing evidence that the victim has a reasonable fear of future harm or abuse.

5907 (b)(i) The court shall notify the perpetrator of the right to request a hearing.

5908 (ii) If the perpetrator requests a hearing under this Subsection (3), the court shall hold  
5909 the hearing at the time determined by the court and the continuous protective  
5910 order shall be in effect while the hearing is being scheduled and while the hearing  
5911 is pending.

5912 (c) Except as provided in Subsection (6), a continuous protective order is permanent in

- 5913 accordance with this Subsection (3)(c) and may include any order described in  
 5914 Subsection ~~[78B-7-804(3)(e)]~~ 78B-7-804(3)(d).
- 5915 (4) A continuous protective order issued under this section may be modified or dismissed  
 5916 only in accordance with Subsection 78B-7-804(4).
- 5917 (5) Except as provided in Subsection (6), in addition to the process of issuing a continuous  
 5918 protective order described in Subsection (3)(a), a district court may issue a continuous  
 5919 protective order at any time in accordance with Subsection 78B-7-804(5).
- 5920 (6)(a) Unless the juvenile court transfers jurisdiction of the offense to the district court  
 5921 under Section 80-6-504, a continuous protective order may not be issued under this  
 5922 section against a perpetrator who is a minor.
- 5923 (b) Unless the court sets an earlier date for expiration, a sentencing protective order  
 5924 issued under this section against a perpetrator who is a minor expires on the earlier of:  
 5925 (i) the day on which the juvenile court terminates jurisdiction; or  
 5926 (ii) in accordance with Section 80-6-807, the day on which the Division of Juvenile  
 5927 Justice and Youth Services discharges the perpetrator.
- 5928 Section 63. Section **80-6-601** is amended to read:
- 5929 **80-6-601 . Minors' cases considered civil proceedings -- Minor not to be charged**  
 5930 **with crime -- Exception for a prior adjudication -- Traffic violation cases.**
- 5931 (1) Except as provided in ~~[Part 5, Transfer to District Court]~~ Part 5, Minor Tried as an Adult,  
 5932 a proceeding in a minor's case under this chapter is a civil proceeding with the juvenile  
 5933 court exercising equitable powers.
- 5934 (2)(a) An adjudication by a juvenile court of a minor under this chapter is not considered  
 5935 a conviction of a crime, except in cases involving traffic violations.
- 5936 (b) An adjudication may not:  
 5937 (i) operate to impose any civil disabilities upon the minor; or  
 5938 (ii) disqualify the minor for any civil service or military service or appointment.
- 5939 (3)(a) Except in cases involving traffic violations, and as provided in ~~[Part 5, Transfer to~~  
 5940 ~~District Court]~~ Part 5, Minor Tried as an Adult, a minor may not be charged with a  
 5941 crime and convicted in any court.
- 5942 (b) Except as provided in Section 80-6-504 , if a petition is filed in the juvenile court,  
 5943 the minor may not later be subject to criminal prosecution based on the same facts.
- 5944 (c) Except as provided in Section 80-6-305, an individual may not be subject to a  
 5945 proceeding under this chapter for an offense that the individual is alleged to have  
 5946 committed before the individual was 12 years old.

5947 (4)(a) An adjudication by a juvenile court of a minor under this chapter is considered a  
 5948 conviction for the purposes of determining the level of offense for which a minor  
 5949 may be charged and enhancing the level of an offense in the juvenile court.

5950 (b) A prior adjudication may be used to enhance the level or degree of an offense  
 5951 committed by an adult only as otherwise specifically provided.

5952 Section 64. Section **80-7-105** is amended to read:

5953 **80-7-105 . Emancipation.**

5954 (1) A minor who is emancipated may:

5955 (a) enter into contracts;

5956 (b) buy and sell property;

5957 (c) sue or be sued;

5958 (d) retain the minor's own earnings;

5959 (e) borrow money for any purpose, including for education; and

5960 (f) obtain healthcare without parental consent.

5961 (2) A minor who is emancipated may not be considered an adult:

5962 (a) under the criminal laws of the state, unless the requirements of [~~Chapter 6, Part 5,~~

5963 ~~Transfer to District Court~~] Chapter 6, Part 5, Minor Tried as an Adult, have been met;

5964 (b) under the criminal laws of the state when the minor is a victim and the age of the  
 5965 victim is an element of the offense; and

5966 (c) for specific constitutional and statutory age requirements regarding voting, use of  
 5967 alcoholic beverages, possession of tobacco or firearms, and other health and safety  
 5968 regulations relevant to the minor because of the minor's age.

5969 (3)(a) An order of emancipation prospectively terminates parental responsibilities that  
 5970 accrue based on the minor's status as a minor under the custody and control of a  
 5971 parent, guardian, or custodian, including parental tort liability for the acts of the  
 5972 minor.

5973 (b) Nothing in this chapter shall be construed to interfere with the integrity of the family  
 5974 or to minimize the rights of parents or children.

5975 Section 65. **Repealer.**

5976 This bill repeals:

5977 Section **26-29-2, Purpose of chapter.**

5978 Section **26-29-3, Basis for standards.**

5979 Section **26-29-4, Enforcement of chapter.**

5980 Section 66. **Effective Date.**



5981 This bill takes effect on May 7, 2025.