

Paul A. Cutler proposes the following substitute bill:

State-Endorsed Digital Identity Program Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Paul A. Cutler

LONG TITLE

General Description:

This bill creates the State-Endorsed Digital Identity Program.

Highlighted Provisions:

This bill:

- defines terms;
- establishes a digital identity bill of rights;
- creates the State-Endorsed Digital Identity Program within the Department of Government Operations;
- establishes requirements for state-endorsed digital identities;
- adds a state-endorsed digital identity as an acceptable form of proof of age;
- establishes application and eligibility requirements for obtaining a state-endorsed digital identity;
- establishes identity proofing standards;
- establishes requirements for governmental entities, health care providers, digital wallet providers, verifiers, and relying parties;
- creates a duty of loyalty related to processing identity attributes;
- provides for complaint and enforcement procedures;
- provides for a one-time audit by the Office of the Legislative Auditor General;
- provides for coordination with state agencies on use cases for the state-endorsed digital identity program;
- provides for severability;
- provides for the repeal of the electronic license certificate or identification card upon sunset review; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **26B-7-501**, as last amended by Laws of Utah 2025, Chapter 173

35 **32B-1-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

36 **53-3-235**, as last amended by Laws of Utah 2020, Chapter 262

37 **63A-19-501**, as last amended by Laws of Utah 2025, Chapter 475

38 **63I-1-253**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

39 ENACTS:

40 **63A-20-101**, Utah Code Annotated 1953

41 **63A-20-201**, Utah Code Annotated 1953

42 **63A-20-202**, Utah Code Annotated 1953

43 **63A-20-203**, Utah Code Annotated 1953

44 **63A-20-204**, Utah Code Annotated 1953

45 **63A-20-301**, Utah Code Annotated 1953

46 **63A-20-302**, Utah Code Annotated 1953

47 **63A-20-303**, Utah Code Annotated 1953

48 **63A-20-304**, Utah Code Annotated 1953

49 **63A-20-305**, Utah Code Annotated 1953

50 **63A-20-401**, Utah Code Annotated 1953

51 **63A-20-501**, Utah Code Annotated 1953

52 **63A-20-601**, Utah Code Annotated 1953

53 **63A-20-701**, Utah Code Annotated 1953

54 **63A-20-702**, Utah Code Annotated 1953

55 **63A-20-801**, Utah Code Annotated 1953

56 **63A-20-802**, Utah Code Annotated 1953

57 **63A-20-901**, Utah Code Annotated 1953

58 REPEALS:

59 **63A-16-1201**, as enacted by Laws of Utah 2025, Chapter 352

60 **63A-16-1202**, as enacted by Laws of Utah 2025, Chapter 352

61 **63A-16-1203**, as enacted by Laws of Utah 2025, Chapter 352

62

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

64 Section 1. Section **26B-7-501** is amended to read:

65 **26B-7-501 . Definitions.**

66 As used in this part:

67 (1) "Community location" means the same as that term is defined:

68 (a) as it relates to a municipality, in Section 10-8-41.6; and

69 (b) as it relates to a county, in Section 17-50-333.

70 (2) "Electronic cigarette" means the same as that term is defined in Section 76-9-1101.

71 (3) "Electronic cigarette product" means the same as that term is defined in Section

72 76-9-1101.

73 (4) "Electronic cigarette substance" means the same as that term is defined in Section

74 76-9-1101.

75 (5) "Employee" means an employee of a tobacco retailer.

76 (6) "Enforcing agency" means the department, or any local health department enforcing the

77 provisions of this part.

78 (7) "General tobacco retailer" means a tobacco retailer that is not a retail tobacco specialty

79 business.

80 (8) "Local health department" means the same as that term is defined in Section 26A-1-102.

81 (9) "Manufacture" includes:

82 (a) to cast, construct, or make electronic cigarettes; or

83 (b) to blend, make, process, or prepare an electronic cigarette substance.

84 (10) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette

85 substance that is sold in a container that:

86 (a) is prefilled by the electronic cigarette substance manufacturer; and

87 (b) the electronic cigarette manufacturer does not intend for a consumer to open.

88 (11) "Manufacturer sealed electronic cigarette product" means:

89 (a) an electronic cigarette substance or container that the electronic cigarette

90 manufacturer does not intend for a consumer to open or refill; or

91 (b) a prefilled electronic cigarette as that term is defined in Section 76-9-1101.

92 (12) "Nicotine" means the same as that term is defined in Section 76-9-1101.

93 (13) "Nicotine product" means the same as that term is defined in Section 76-9-1101.

94 (14) "Non-tobacco shisha" means any product that:

95 (a) does not contain tobacco or nicotine; and

96 (b) is smoked or intended to be smoked in a hookah or water pipe.

- 97 (15) "Owner" means a person holding a 20% ownership interest in the business that is
98 required to obtain a permit under this part.
- 99 (16) "Permit" means a tobacco retail permit issued under Section 26B-7-507.
- 100 (17) "Place of public access" means any enclosed indoor place of business, commerce,
101 banking, financial service, or other service-related activity, whether publicly or privately
102 owned and whether operated for profit or not, to which persons not employed at the
103 place of public access have general and regular access or which the public uses,
104 including:
- 105 (a) buildings, offices, shops, elevators, or restrooms;
 - 106 (b) means of transportation or common carrier waiting rooms;
 - 107 (c) restaurants, cafes, or cafeterias;
 - 108 (d) taverns as defined in Section 32B-1-102, or cabarets;
 - 109 (e) shopping malls, retail stores, grocery stores, or arcades;
 - 110 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites,
111 auditoriums, or arenas;
 - 112 (g) barber shops, hair salons, or laundromats;
 - 113 (h) sports or fitness facilities;
 - 114 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and
115 breakfast" lodging facilities, and other similar lodging facilities, including the
116 lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and
117 restrooms of any of these;
 - 118 (j)(i) any child care facility or program subject to licensure or certification under this
119 title, including those operated in private homes, when any child cared for under
120 that license is present; and
 - 121 (ii) any child care, other than child care as defined in Section 26B-2-401, that is not
122 subject to licensure or certification under this title, when any child cared for by the
123 provider, other than the child of the provider, is present;
 - 124 (k) public or private elementary or secondary school buildings and educational facilities
125 or the property on which those facilities are located;
 - 126 (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or
127 religious organization when used solely by the organization members or the
128 members' guests or families;
 - 129 (m) any facility rented or leased for private functions from which the general public is
130 excluded and arrangements for the function are under the control of the function

- 131 sponsor;
- 132 (n) any workplace that is not a place of public access or a publicly owned building or
133 office but has one or more employees who are not owner-operators of the business;
- 134 (o) any area where the proprietor or manager of the area has posted a conspicuous sign
135 stating "no smoking", "thank you for not smoking", or similar statement; and
- 136 (p) a holder of a bar establishment license, as defined in Section 32B-1-102.
- 137 (18)(a) "Proof of age" means:
- 138 (i) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification
139 Card Act;
- 140 (ii) a valid identification that:
- 141 (A) is substantially similar to an identification card issued under Title 53, Chapter
142 3, Part 8, Identification Card Act;
- 143 (B) is issued in accordance with the laws of a state other than Utah in which the
144 identification is issued;
- 145 (C) includes date of birth; and
- 146 (D) has a picture affixed;
- 147 (iii) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform
148 Driver License Act, or in accordance with the laws of the state in which the valid
149 driver license is issued;
- 150 (iv) a valid United States military identification card that:
- 151 (A) includes date of birth; and
- 152 (B) has a picture affixed; [ø]
- 153 (v) a valid passport[-] ; or
- 154 (vi) a state-endorsed digital identity issued under Title 63A, Chapter 20,
155 State-Endorsed Digital Identity
- 156 (b) "Proof of age" does not include a valid driving privilege card issued in accordance
157 with Section 53-3-207.
- 158 (19) "Publicly owned building or office" means any enclosed indoor place or portion of a
159 place owned, leased, or rented by any state, county, or municipal government, or by any
160 agency supported by appropriation of, or by contracts or grants from, funds derived from
161 the collection of federal, state, county, or municipal taxes.
- 162 (20) "Retail tobacco specialty business" means the same as that term is defined:
- 163 (a) as it relates to a municipality, in Section 10-8-41.6; and
- 164 (b) as it relates to a county, in Section 17-50-333.

- 165 (21) "Shisha" means any product that:
166 (a) contains tobacco or nicotine; and
167 (b) is smoked or intended to be smoked in a hookah or water pipe.
- 168 (22) "Smoking" means:
169 (a) the possession of any lighted or heated tobacco product in any form;
170 (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or
171 hookah that contains:
172 (i) tobacco or any plant product intended for inhalation;
173 (ii) shisha or non-tobacco shisha;
174 (iii) nicotine;
175 (iv) a natural or synthetic tobacco substitute; or
176 (v) a natural or synthetic flavored tobacco product;
177 (c) using an electronic cigarette; or
178 (d) using an oral smoking device intended to circumvent the prohibition of smoking in
179 this part.
- 180 (23) "Tax commission license" means a license issued by the State Tax Commission under:
181 (a) Section 59-14-201 to sell a cigarette at retail;
182 (b) Section 59-14-301 to sell a tobacco product at retail; or
183 (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.
- 184 (24) "Tobacco product" means:
185 (a) a tobacco product as defined in Section 76-9-1101; or
186 (b) tobacco paraphernalia as defined in Section 76-9-1101.
- 187 (25) "Tobacco retailer" means a person that is required to obtain a tax commission license.
- 188 Section 2. Section **32B-1-102** is amended to read:
189 **32B-1-102 . Definitions.**
190 As used in this title:
- 191 (1) "Airport lounge" means a business location:
192 (a) at which an alcoholic product is sold at retail for consumption on the premises; and
193 (b) that is located at an international airport or domestic airport.
- 194 (2) "Airport lounge license" means a license issued in accordance with Chapter 5, Retail
195 License Act, and Chapter 6, Part 5, Airport Lounge License.
- 196 (3) "Alcoholic beverage" means the following:
197 (a) beer; or
198 (b) liquor.

- 199 (4)(a) "Alcoholic product" means a product that:
- 200 (i) contains at least .5% of alcohol by volume; and
- 201 (ii) is obtained by fermentation, infusion, decoction, brewing, distillation, or other
- 202 process that uses liquid or combinations of liquids, whether drinkable or not, to
- 203 create alcohol in an amount equal to or greater than .5% of alcohol by volume.
- 204 (b) "Alcoholic product" includes an alcoholic beverage.
- 205 (c) "Alcoholic product" does not include any of the following common items that
- 206 otherwise come within the definition of an alcoholic product:
- 207 (i) except as provided in Subsection (4)(d), an extract;
- 208 (ii) vinegar;
- 209 (iii) preserved nonintoxicating cider;
- 210 (iv) essence;
- 211 (v) tincture;
- 212 (vi) food preparation; or
- 213 (vii) an over-the-counter medicine.
- 214 (d) "Alcoholic product" includes an extract containing alcohol obtained by distillation
- 215 when it is used as a flavoring in the manufacturing of an alcoholic product.
- 216 (5) "Alcohol training and education seminar" means a seminar that is:
- 217 (a) required by Chapter 1, Part 7, Alcohol Training and Education Act; and
- 218 (b) described in Section 26B-5-205.
- 219 (6)(a) "Amphitheater" means an outdoor, multi-use performance venue that:
- 220 (i) is primarily used to present live entertainment, including music, dance, comedy,
- 221 and theater;
- 222 (ii) has the capacity to hold over 10,000 patrons; and
- 223 (iii) is located in a county of the first class.
- 224 (b) "Amphitheater" does not include a space that is used to present sporting events or
- 225 sporting competitions.
- 226 (7) "Arena" means an enclosed building:
- 227 (a) that is managed by:
- 228 (i) the same person who owns the enclosed building;
- 229 (ii) a person who has a majority interest in each person who owns or manages a space
- 230 in the enclosed building; or
- 231 (iii) a person who has authority to direct or exercise control over the management or
- 232 policy of each person who owns or manages a space in the enclosed building;

- 233 (b) that operates as a venue; and
234 (c) that has an occupancy capacity of at least 12,500.
- 235 (8) "Arena license" means a license issued in accordance with Chapter 5, Retail License
236 Act, and Chapter 8c, Arena License Act.
- 237 (9) "Banquet" means an event:
238 (a) that is a private event or a privately sponsored event;
239 (b) that is held at one or more designated locations approved by the commission in or on
240 the premises of:
241 (i) a hotel;
242 (ii) a resort facility;
243 (iii) a sports center;
244 (iv) a convention center;
245 (v) a performing arts facility;
246 (vi) an arena;
247 (vii) a restaurant venue; or
248 (viii) an amphitheater;
- 249 (c) for which there is a contract:
250 (i) between a person operating a facility listed in Subsection (9)(b) and another
251 person that has common ownership of less than 20% with the person operating the
252 facility; and
253 (ii) under which the person operating a facility listed in Subsection (9)(b) is required
254 to provide an alcoholic product at the event; and
- 255 (d) at which food and alcoholic products may be sold, offered for sale, or furnished.
- 256 (10)(a) "Bar establishment license" means a license issued in accordance with Chapter 5,
257 Retail License Act, and Chapter 6, Part 4, Bar Establishment License.
- 258 (b) "Bar establishment license" includes:
259 (i) a dining club license;
260 (ii) an equity license;
261 (iii) a fraternal license; or
262 (iv) a bar license.
- 263 (11) "Bar license" means a license issued in accordance with Chapter 5, Retail License Act,
264 and Chapter 6, Part 4, Bar Establishment License.
- 265 (12)(a) "Beer" means a product that:
266 (i) contains:

- 267 (A) at least .5% of alcohol by volume; and
268 (B) no more than 5% of alcohol by volume or 4% by weight;
- 269 (ii) is obtained by fermentation, infusion, or decoction of:
270 (A) malt; or
271 (B) a malt substitute; and
272 (iii) is clearly marketed, labeled, and identified as:
273 (A) beer;
274 (B) ale;
275 (C) porter;
276 (D) stout;
277 (E) lager;
278 (F) a malt;
279 (G) a malted beverage; or
280 (H) seltzer.
- 281 (b) "Beer" may contain:
282 (i) hops extract;
283 (ii) caffeine, if the caffeine is a natural constituent of an added ingredient; or
284 (iii) a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that:
285 (A) is used in the production of beer;
286 (B) is in a formula approved by the federal Alcohol and Tobacco Tax and Trade
287 Bureau after the formula is filed for approval under 27 C.F.R. Sec. 25.55; and
288 (C) does not contribute more than 10% of the overall alcohol content of the beer.
- 289 (c) "Beer" does not include:
290 (i) a flavored malt beverage;
291 (ii) a product that contains alcohol derived from:
292 (A) except as provided in Subsection (12)(b)(iii), spirituous liquor; or
293 (B) wine; or
294 (iii) a product that contains an additive masking or altering a physiological effect of
295 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
296 tetrahydrocannabinol.
- 297 (13) "Beer-only restaurant license" means a license issued in accordance with Chapter 5,
298 Retail License Act, and Chapter 6, Part 9, Beer-Only Restaurant License.
- 299 (14) "Beer retailer" means a business that:
300 (a) is engaged, primarily or incidentally, in the retail sale of beer to a patron, whether for

- 301 consumption on or off the business premises; and
- 302 (b) is licensed as:
- 303 (i) an off-premise beer retailer, in accordance with Chapter 7, Part 2, Off-Premise
- 304 Beer Retailer Local Authority; or
- 305 (ii) an on-premise beer retailer, in accordance with Chapter 5, Retail License Act, and
- 306 Chapter 6, Part 7, On-Premise Beer Retailer License.
- 307 (15) "Beer wholesaling license" means a license:
- 308 (a) issued in accordance with Chapter 13, Beer Wholesaling License Act; and
- 309 (b) to import for sale, or sell beer in wholesale or jobbing quantities to one or more retail
- 310 licensees or off-premise beer retailers.
- 311 (16) "Billboard" means a public display used to advertise, including:
- 312 (a) a light device;
- 313 (b) a painting;
- 314 (c) a drawing;
- 315 (d) a poster;
- 316 (e) a sign;
- 317 (f) a signboard; or
- 318 (g) a scoreboard.
- 319 (17) "Brewer" means a person engaged in manufacturing:
- 320 (a) beer;
- 321 (b) heavy beer; or
- 322 (c) a flavored malt beverage.
- 323 (18) "Brewery manufacturing license" means a license issued in accordance with Chapter
- 324 11, Part 5, Brewery Manufacturing License.
- 325 (19) "Certificate of approval" means a certificate of approval obtained from the department
- 326 under Section 32B-11-201.
- 327 (20) "Chartered bus" means a passenger bus, coach, or other motor vehicle provided by a
- 328 bus company to a group of persons pursuant to a common purpose:
- 329 (a) under a single contract;
- 330 (b) at a fixed charge in accordance with the bus company's tariff; and
- 331 (c) to give the group of persons the exclusive use of the passenger bus, coach, or other
- 332 motor vehicle, and a driver to travel together to one or more specified destinations.
- 333 (21) "Church" means a building:
- 334 (a) set apart for worship;

- 335 (b) in which religious services are held;
- 336 (c) with which clergy is associated; and
- 337 (d) that is tax exempt under the laws of this state.
- 338 (22) "Commission" means the Alcoholic Beverage Services Commission created in Section
- 339 32B-2-201.
- 340 (23) "Commissioner" means a member of the commission.
- 341 (24) "Community location" means:
- 342 (a) a public or private school as defined in Subsection (116);
- 343 (b) a church;
- 344 (c) a public library;
- 345 (d) a public playground; or
- 346 (e) a public park.
- 347 (25) "Community location governing authority" means:
- 348 (a) the governing body of the community location; or
- 349 (b) if the commission does not know who is the governing body of a community
- 350 location, a person who appears to the commission to have been given on behalf of the
- 351 community location the authority to prohibit an activity at the community location.
- 352 (26) "Container" means a receptacle that contains an alcoholic product, including:
- 353 (a) a bottle;
- 354 (b) a vessel; or
- 355 (c) a similar item.
- 356 (27) "Controlled group of manufacturers" means as the commission defines by rule made in
- 357 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 358 (28) "Convention center" means a facility that is:
- 359 (a) in total at least 30,000 square feet; and
- 360 (b) otherwise defined as a "convention center" by the commission by rule.
- 361 (29)(a) "Counter" means a surface or structure in a dining area of a licensed premises
- 362 where seating is provided to a patron for service of food.
- 363 (b) "Counter" does not include a dispensing structure.
- 364 (30) "Crime involving moral turpitude" is as defined by the commission by rule.
- 365 (31) "Department" means the Department of Alcoholic Beverage Services created in
- 366 Section 32B-2-203.
- 367 (32) "Department compliance officer" means an individual who is:
- 368 (a) an auditor or inspector; and

- 369 (b) employed by the department.
- 370 (33) "Department sample" means liquor that is placed in the possession of the department
371 for testing, analysis, and sampling.
- 372 (34) "Dining club license" means a license issued in accordance with Chapter 5, Retail
373 License Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
374 commission as a dining club license.
- 375 (35) "Director," unless the context requires otherwise, means the director of the department.
- 376 (36) "Disciplinary proceeding" means an adjudicative proceeding permitted under this title:
377 (a) against a person subject to administrative action; and
378 (b) that is brought on the basis of a violation of this title.
- 379 (37)(a) Subject to Subsection (37)(b), "dispense" means:
380 (i) drawing an alcoholic product; and
381 (ii) using the alcoholic product at the location from which it was drawn to mix or
382 prepare an alcoholic product to be furnished to a patron of the retail licensee.
- 383 (b) The definition of "dispense" in this Subsection (37) applies only to:
384 (i) a full-service restaurant license;
385 (ii) a limited-service restaurant license;
386 (iii) a reception center license;
387 (iv) a beer-only restaurant license;
388 (v) a bar license;
389 (vi) an on-premise beer retailer;
390 (vii) an airport lounge license;
391 (viii) an on-premise banquet license; and
392 (ix) a hospitality amenity license.
- 393 (38) "Dispensing structure" means a surface or structure on a licensed premises:
394 (a) where an alcoholic product is dispensed; or
395 (b) from which an alcoholic product is served.
- 396 (39) "Distillery manufacturing license" means a license issued in accordance with Chapter
397 11, Part 4, Distillery Manufacturing License.
- 398 (40) "Distressed merchandise" means an alcoholic product in the possession of the
399 department that is saleable, but for some reason is unappealing to the public.
- 400 (41) "Domestic airport" means an airport that:
401 (a) has at least 15,000 commercial airline passenger boardings in any five-year period;
402 (b) receives scheduled commercial passenger aircraft service; and

- 403 (c) is not an international airport.
- 404 (42) "Equity license" means a license issued in accordance with Chapter 5, Retail License
405 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
406 commission as an equity license.
- 407 (43) "Event permit" means:
- 408 (a) a single event permit; or
- 409 (b) a temporary beer event permit.
- 410 (44) "Exempt license" means a license exempt under Section 32B-1-201 from being
411 considered in determining the total number of retail licenses that the commission may
412 issue at any time.
- 413 (45)(a) "Flavored malt beverage" means a beverage:
- 414 (i) that contains at least .5% alcohol by volume;
- 415 (ii) for which the producer is required to file a formula for approval with the federal
416 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
417 the beverage is treated by processing, filtration, or another method of manufacture
418 that is not generally recognized as a traditional process in the production of a beer,
419 ale, porter, stout, lager, or malt liquor; and
- 420 (iii) for which the producer is required to file a formula for approval with the federal
421 Alcohol and Tobacco Tax and Trade Bureau under 27 C.F.R. Sec. 25.55 because
422 the beverage includes an ingredient containing alcohol.
- 423 (b) "Flavored malt beverage" may contain a propylene glycol-, ethyl alcohol-, or
424 ethanol-based flavoring agent that contributes to the overall alcohol content of the
425 beverage.
- 426 (c) "Flavored malt beverage" does not include beer or heavy beer.
- 427 (d) "Flavored malt beverage" is considered liquor for purposes of this title.
- 428 (46) "Fraternal license" means a license issued in accordance with Chapter 5, Retail License
429 Act, and Chapter 6, Part 4, Bar Establishment License, that is designated by the
430 commission as a fraternal license.
- 431 (47) "Full-service restaurant license" means a license issued in accordance with Chapter 5,
432 Retail License Act, and Chapter 6, Part 2, Full-Service Restaurant License.
- 433 (48)(a) "Furnish" means by any means to provide with, supply, or give an individual an
434 alcoholic product, by sale or otherwise.
- 435 (b) "Furnish" includes to:
- 436 (i) serve;

- 437 (ii) deliver; or
438 (iii) otherwise make available.
- 439 (49) "Guest" means an individual who meets the requirements of Subsection 32B-6-407(9).
440 (50) "Hard cider" means the same as that term is defined in 26 U.S.C. Sec. 5041.
- 441 (51) "Health care practitioner" means:
442 (a) a podiatrist licensed under Title 58, Chapter 5a, Podiatric Physician Licensing Act;
443 (b) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
444 (c) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
445 (d) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice
446 Act;
447 (e) a nurse or advanced practice registered nurse licensed under Title 58, Chapter 31b,
448 Nurse Practice Act;
449 (f) a recreational therapist licensed under Title 58, Chapter 40, Recreational Therapy
450 Practice Act;
451 (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
452 Therapy Practice Act;
453 (h) a nurse midwife licensed under Title 58, Chapter 44a, Nurse Midwife Practice Act;
454 (i) a mental health professional licensed under Title 58, Chapter 60, Mental Health
455 Professional Practice Act;
456 (j) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
457 (k) an osteopath licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice
458 Act;
459 (l) a dentist or dental hygienist licensed under Title 58, Chapter 69, Dentist and Dental
460 Hygienist Practice Act; and
461 (m) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
462 Act.
- 463 (52)(a) "Heavy beer" means a product that:
464 (i)(A) contains more than 5% alcohol by volume;
465 (B) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
466 volume or 4% by weight, and a propylene glycol-, ethyl alcohol-, or
467 ethanol-based flavoring agent that contributes more than 10% of the overall
468 alcohol content of the product; or
469 (C) contains at least .5% of alcohol by volume and no more than 5% of alcohol by
470 volume or 4% by weight, and has a label or packaging that is rejected under

- 471 Subsection 32B-1-606(3)(b); and
- 472 (ii) is obtained by fermentation, infusion, or decoction of:
- 473 (A) malt; or
- 474 (B) a malt substitute.
- 475 (b) "Heavy beer" may, if the heavy beer contains more than 5% alcohol by volume,
- 476 contain a propylene glycol-, ethyl alcohol-, or ethanol-based flavoring agent that
- 477 contributes to the overall alcohol content of the heavy beer.
- 478 (c) "Heavy beer" does not include:
- 479 (i) a flavored malt beverage;
- 480 (ii) a product that contains alcohol derived from:
- 481 (A) except as provided in Subsections (52)(a)(i)(B) and (52)(b), spirituous liquor;
- 482 or
- 483 (B) wine; or
- 484 (iii) a product that contains an additive masking or altering a physiological effect of
- 485 alcohol, including kratom, kava, cannabidiol, or natural or synthetic
- 486 tetrahydrocannabinol.
- 487 (d) "Heavy beer" is considered liquor for the purposes of this title.
- 488 (53) "Hospitality amenity license" means a license issued in accordance with Chapter 5,
- 489 Retail License Act, and Chapter 6, Part 10, Hospitality Amenity License.
- 490 (54)(a) "Hotel" means a commercial lodging establishment that:
- 491 (i) offers at least 40 rooms as temporary sleeping accommodations for compensation;
- 492 (ii) is capable of hosting conventions, conferences, and food and beverage functions
- 493 under a banquet contract; and
- 494 (iii)(A) has adequate kitchen or culinary facilities on the premises to provide
- 495 complete meals;
- 496 (B) has at least 1,000 square feet of function space consisting of meeting or dining
- 497 rooms that can be reserved for a banquet and can accommodate at least 75
- 498 individuals; or
- 499 (C) if the establishment is located in a small or unincorporated locality, has an
- 500 appropriate amount of function space consisting of meeting or dining rooms
- 501 that can be reserved for private use under a banquet contract, as determined by
- 502 the commission.
- 503 (b) "Hotel" includes a commercial lodging establishment that:
- 504 (i) meets the requirements under Subsection (54)(a); and

- 505 (ii) has one or more privately owned dwelling units.
- 506 (55) "Hotel license" means a license issued in accordance with Chapter 5, Retail License
507 Act, and Chapter 8b, Hotel License Act.
- 508 (56) "Identification card" means an identification card issued under Title 53, Chapter 3, Part
509 8, Identification Card Act.
- 510 (57) "Industry representative" means an individual who is compensated by salary,
511 commission, or other means for representing and selling an alcoholic product of a
512 manufacturer, supplier, or importer of liquor.
- 513 (58) "Industry representative sample" means liquor that is placed in the possession of the
514 department for testing, analysis, and sampling by a local industry representative on the
515 premises of the department to educate the local industry representative of the quality and
516 characteristics of the product.
- 517 (59)(a) "Interdicted person" means a person to whom the sale, offer for sale, or
518 furnishing of an alcoholic product is prohibited by:
- 519 (i) law; or
520 (ii) court order.
- 521 (b) "Interdicted person" includes a person who voluntarily obtains a driver license
522 certificate under Section 53-3-236 or an identification card under Section 53-3-805
523 with an interdicted person identifier.
- 524 (60) "International airport" means an airport:
- 525 (a) with a United States Customs and Border Protection office on the premises of the
526 airport; and
527 (b) at which international flights may enter and depart.
- 528 (61) "Intoxicated" or "intoxication" means that
529 an individual exhibits plain and easily observable outward manifestations of behavior or
530 physical signs produced by or as a result of the use of:
- 531 (a) an alcoholic product;
532 (b) a controlled substance;
533 (c) a substance having the property of releasing toxic vapors; or
534 (d) a combination of products or substances described in Subsections (61)(a) through (c).
- 535 (62) "Investigator" means an individual who is:
- 536 (a) a department compliance officer; or
537 (b) a nondepartment enforcement officer.
- 538 (63) "License" means:

- 539 (a) a retail license;
- 540 (b) a sublicense;
- 541 (c) a license issued in accordance with Chapter 7, Part 4, Off-premise Beer Retailer State
542 License;
- 543 (d) a license issued in accordance with Chapter 11, Manufacturing and Related Licenses
544 Act;
- 545 (e) a license issued in accordance with Chapter 12, Liquor Warehousing License Act;
- 546 (f) a license issued in accordance with Chapter 13, Beer Wholesaling License Act; or
- 547 (g) a license issued in accordance with Chapter 17, Liquor Transport License Act.
- 548 (64) "Licensee" means a person who holds a license.
- 549 (65) "Limited-service restaurant license" means a license issued in accordance with Chapter
550 5, Retail License Act, and Chapter 6, Part 3, Limited-Service Restaurant License.
- 551 (66) "Limousine" means a motor vehicle licensed by the state or a local authority, other
552 than a bus or taxicab:
- 553 (a) in which the driver and a passenger are separated by a partition, glass, or other
554 barrier;
- 555 (b) that is provided by a business entity to one or more individuals at a fixed charge in
556 accordance with the business entity's tariff; and
- 557 (c) to give the one or more individuals the exclusive use of the limousine and a driver to
558 travel to one or more specified destinations.
- 559 (67)(a)(i) "Liquor" means a liquid that:
- 560 (A) is:
- 561 (I) alcohol;
- 562 (II) an alcoholic, spirituous, vinous, fermented, malt, or other liquid;
- 563 (III) a combination of liquids a part of which is spirituous, vinous, or
564 fermented; or
- 565 (IV) other drink or drinkable liquid; and
- 566 (B)(I) contains at least .5% alcohol by volume; and
- 567 (II) is suitable to use for beverage purposes.
- 568 (ii) "Liquor" includes:
- 569 (A) heavy beer;
- 570 (B) wine; and
- 571 (C) a flavored malt beverage.
- 572 (b) "Liquor" does not include beer.

- 573 (68) "Liquor Control Fund" means the enterprise fund created by Section 32B-2-301.
- 574 (69) "Liquor transport license" means a license issued in accordance with Chapter 17,
575 Liquor Transport License Act.
- 576 (70) "Liquor warehousing license" means a license that is issued:
- 577 (a) in accordance with Chapter 12, Liquor Warehousing License Act; and
- 578 (b) to a person, other than a licensed manufacturer, who engages in the importation for
579 storage, sale, or distribution of liquor regardless of amount.
- 580 (71) "Local authority" means:
- 581 (a) for premises that are located in an unincorporated area of a county, the governing
582 body of a county;
- 583 (b) for premises that are located in an incorporated city or town, the governing body of
584 the city or town; or
- 585 (c) for premises that are located in a project area as defined in Section 63H-1-102 and in
586 a project area plan adopted by the Military Installation Development Authority under
587 Title 63H, Chapter 1, Military Installation Development Authority Act, the Military
588 Installation Development Authority.
- 589 (72) "Lounge or bar area" is as defined by rule made by the commission.
- 590 (73) "Malt substitute" means:
- 591 (a) rice;
- 592 (b) grain;
- 593 (c) bran;
- 594 (d) glucose;
- 595 (e) sugar; or
- 596 (f) molasses.
- 597 (74) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or
598 otherwise make an alcoholic product for personal use or for sale or distribution to others.
- 599 (75) "Member" means an individual who, after paying regular dues, has full privileges in an
600 equity licensee or fraternal licensee.
- 601 (76)(a) "Military installation" means a base, air field, camp, post, station, yard, center, or
602 homeport facility for a ship:
- 603 (i)(A) under the control of the United States Department of Defense; or
604 (B) of the National Guard;
- 605 (ii) that is located within the state; and
606 (iii) including a leased facility.

- 607 (b) "Military installation" does not include a facility used primarily for:
608 (i) civil works;
609 (ii) a rivers and harbors project; or
610 (iii) a flood control project.
- 611 (77) "Minibar" means an area of a hotel guest room where one or more alcoholic products
612 are kept and offered for self-service sale or consumption.
- 613 (78) "Minor" means an individual under 21 years old.
- 614 (79) "Nondepartment enforcement agency" means an agency that:
615 (a)(i) is a state agency other than the department; or
616 (ii) is an agency of a county, city, or town; and
617 (b) has a responsibility to enforce one or more provisions of this title.
- 618 (80) "Nondepartment enforcement officer" means an individual who is:
619 (a) a peace officer, examiner, or investigator; and
620 (b) employed by a nondepartment enforcement agency.
- 621 (81)(a) "Off-premise beer retailer" means a beer retailer who is:
622 (i) licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act; and
623 (ii) engaged in the retail sale of beer to a patron for consumption off the beer retailer's
624 premises.
- 625 (b) "Off-premise beer retailer" does not include an on-premise beer retailer.
- 626 (82) "Off-premise beer retailer state license" means a state license issued in accordance
627 with Chapter 7, Part 4, Off-premise Beer Retailer State License.
- 628 (83) "On-premise banquet license" means a license issued in accordance with Chapter 5,
629 Retail License Act, and Chapter 6, Part 6, On-Premise Banquet License.
- 630 (84) "On-premise beer retailer" means a beer retailer who is:
631 (a) authorized to sell, offer for sale, or furnish beer under a license issued in accordance
632 with Chapter 5, Retail License Act, and Chapter 6, Part 7, On-Premise Beer Retailer
633 License; and
634 (b) engaged in the sale of beer to a patron for consumption on the beer retailer's
635 premises:
636 (i) regardless of whether the beer retailer sells beer for consumption off the licensed
637 premises; and
638 (ii) on and after March 1, 2012, operating:
639 (A) as a tavern; or
640 (B) in a manner that meets the requirements of Subsection 32B-6-703(2)(e)(i).

- 641 (85) "Opaque" means impenetrable to sight.
- 642 (86) "Package agency" means a retail liquor location operated:
- 643 (a) under an agreement with the department; and
- 644 (b) by a person:
- 645 (i) other than the state; and
- 646 (ii) who is authorized by the commission in accordance with Chapter 2, Part 6,
- 647 Package Agency, to sell packaged liquor for consumption off the premises of the
- 648 package agency.
- 649 (87) "Package agent" means a person who holds a package agency.
- 650 (88) "Patron" means an individual to whom food, beverages, or services are sold, offered
- 651 for sale, or furnished, or who consumes an alcoholic product including:
- 652 (a) a customer;
- 653 (b) a member;
- 654 (c) a guest;
- 655 (d) an attendee of a banquet or event;
- 656 (e) an individual who receives room service;
- 657 (f) a resident of a resort; or
- 658 (g) a hospitality guest, as defined in Section 32B-6-1002, under a hospitality amenity
- 659 license.
- 660 (89)(a) "Performing arts facility" means a multi-use performance space that:
- 661 (i) is primarily used to present various types of performing arts, including dance,
- 662 music, and theater;
- 663 (ii) contains over 2,500 seats;
- 664 (iii) is owned and operated by a governmental entity; and
- 665 (iv) is located in a city of the first class.
- 666 (b) "Performing arts facility" does not include a space that is used to present sporting
- 667 events or sporting competitions.
- 668 (90) "Permittee" means a person issued a permit under:
- 669 (a) Chapter 9, Event Permit Act; or
- 670 (b) Chapter 10, Special Use Permit Act.
- 671 (91) "Person subject to administrative action" means:
- 672 (a) a licensee;
- 673 (b) a permittee;
- 674 (c) a manufacturer;

- 675 (d) a supplier;
- 676 (e) an importer;
- 677 (f) one of the following holding a certificate of approval:
- 678 (i) an out-of-state brewer;
- 679 (ii) an out-of-state importer of beer, heavy beer, or flavored malt beverages; or
- 680 (iii) an out-of-state supplier of beer, heavy beer, or flavored malt beverages; or
- 681 (g) staff of:
- 682 (i) a person listed in Subsections (91)(a) through (f); or
- 683 (ii) a package agent.
- 684 (92) "Premises" means a building, enclosure, or room used in connection with the storage,
- 685 sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product,
- 686 unless otherwise defined in this title or rules made by the commission.
- 687 (93) "Prescription" means an order issued by a health care practitioner when:
- 688 (a) the health care practitioner is licensed under Title 58, Occupations and Professions,
- 689 to prescribe a controlled substance, other drug, or device for medicinal purposes;
- 690 (b) the order is made in the course of that health care practitioner's professional practice;
- 691 and
- 692 (c) the order is made for obtaining an alcoholic product for medicinal purposes only.
- 693 (94)(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.
- 694 (b) "Primary spirituous liquor" does not include a secondary flavoring ingredient.
- 695 (95) "Principal license" means:
- 696 (a) a resort license;
- 697 (b) a hotel license; or
- 698 (c) an arena license.
- 699 (96)(a) "Private event" means a specific social, business, or recreational event:
- 700 (i) for which an entire room, area, or hall is leased or rented in advance by an
- 701 identified group; and
- 702 (ii) that is limited in attendance to people who are specifically designated and their
- 703 guests.
- 704 (b) "Private event" does not include an event to which the general public is invited,
- 705 whether for an admission fee or not.
- 706 (97) "Privately sponsored event" means a specific social, business, or recreational event:
- 707 (a) that is held in or on the premises of an on-premise banquet licensee; and
- 708 (b) to which entry is restricted by an admission fee.

- 709 (98)(a) "Proof of age" means:
- 710 (i) an identification card;
- 711 (ii) an identification that:
- 712 (A) is substantially similar to an identification card;
- 713 (B) is issued in accordance with the laws of a state other than Utah in which the
- 714 identification is issued;
- 715 (C) includes date of birth; and
- 716 (D) has a picture affixed;
- 717 (iii) a valid driver license certificate that:
- 718 (A) includes date of birth;
- 719 (B) has a picture affixed; and
- 720 (C) is issued under Title 53, Chapter 3, Uniform Driver License Act, in
- 721 accordance with the laws of the state in which it is issued, or in accordance
- 722 with federal law by the United States Department of State;
- 723 (iv) a military identification card that:
- 724 (A) includes date of birth; and
- 725 (B) has a picture affixed; [or]
- 726 (v) a valid passport[-] ; or
- 727 (vi) a state-endorsed digital identity issued under Title 63A, Chapter 20,
- 728 State-Endorsed Digital Identity.
- 729 (b) "Proof of age" does not include a driving privilege card issued in accordance with
- 730 Section 53-3-207.
- 731 (99) "Provisions applicable to a sublicense" means:
- 732 (a) for a full-service restaurant sublicense, the provisions applicable to a full-service
- 733 restaurant license under Chapter 6, Part 2, Full-Service Restaurant License;
- 734 (b) for a limited-service restaurant sublicense, the provisions applicable to a
- 735 limited-service restaurant license under Chapter 6, Part 3, Limited-Service Restaurant
- 736 License;
- 737 (c) for a bar establishment sublicense, the provisions applicable to a bar establishment
- 738 license under Chapter 6, Part 4, Bar Establishment License;
- 739 (d) for an on-premise banquet sublicense, the provisions applicable to an on-premise
- 740 banquet license under Chapter 6, Part 6, On-Premise Banquet License;
- 741 (e) for an on-premise beer retailer sublicense, the provisions applicable to an on-premise
- 742 beer retailer license under Chapter 6, Part 7, On-Premise Beer Retailer License;

- 743 (f) for a beer-only restaurant sublicense, the provisions applicable to a beer-only
744 restaurant license under Chapter 6, Part 9, Beer-Only Restaurant License;
- 745 (g) for a hospitality amenity license, the provisions applicable to a hospitality amenity
746 license under Chapter 6, Part 10, Hospitality Amenity License; and
- 747 (h) for a spa sublicense, the provisions applicable to the sublicense under Chapter 8d,
748 Part 2, Resort Spa Sublicense.
- 749 (100)(a) "Public building" means a building or permanent structure that is:
- 750 (i) owned or leased by:
- 751 (A) the state; or
- 752 (B) a local government entity; and
- 753 (ii) used for:
- 754 (A) public education;
- 755 (B) transacting public business; or
- 756 (C) regularly conducting government activities.
- 757 (b) "Public building" does not include a building owned by the state or a local
758 government entity when the building is used by a person, in whole or in part, for a
759 proprietary function.
- 760 (101) "Public conveyance" means a conveyance that the public or a portion of the public
761 has access to and a right to use for transportation, including an airline, railroad, bus,
762 boat, or other public conveyance.
- 763 (102) "Reception center" means a business that:
- 764 (a) operates facilities that are at least 5,000 square feet; and
- 765 (b) has as its primary purpose the leasing of the facilities described in Subsection
766 (102)(a) to a third party for the third party's event.
- 767 (103) "Reception center license" means a license issued in accordance with Chapter 5,
768 Retail License Act, and Chapter 6, Part 8, Reception Center License.
- 769 (104)(a) "Record" means information that is:
- 770 (i) inscribed on a tangible medium; or
- 771 (ii) stored in an electronic or other medium and is retrievable in a perceivable form.
- 772 (b) "Record" includes:
- 773 (i) a book;
- 774 (ii) a book of account;
- 775 (iii) a paper;
- 776 (iv) a contract;

- 777 (v) an agreement;
- 778 (vi) a document; or
- 779 (vii) a recording in any medium.
- 780 (105) "Residence" means a person's principal place of abode within Utah.
- 781 (106) "Resident," in relation to a resort, means the same as that term is defined in Section
- 782 32B-8-102.
- 783 (107) "Resort" means the same as that term is defined in Section 32B-8-102.
- 784 (108) "Resort facility" is as defined by the commission by rule.
- 785 (109) "Resort license" means a license issued in accordance with Chapter 5, Retail License
- 786 Act, and Chapter 8, Resort License Act.
- 787 (110) "Responsible alcohol service plan" means a written set of policies and procedures that
- 788 outlines measures to prevent employees from:
- 789 (a) over-serving alcoholic beverages to customers;
- 790 (b) serving alcoholic beverages to customers who are actually, apparently, or obviously
- 791 intoxicated; and
- 792 (c) serving alcoholic beverages to minors.
- 793 (111) "Restaurant" means a business location:
- 794 (a) at which a variety of foods are prepared;
- 795 (b) at which complete meals are served; and
- 796 (c) that is engaged primarily in serving meals.
- 797 (112) "Restaurant license" means one of the following licenses issued under this title:
- 798 (a) a full-service restaurant license;
- 799 (b) a limited-service restaurant license; or
- 800 (c) a beer-only restaurant license.
- 801 (113) "Restaurant venue" means a room within a restaurant that:
- 802 (a) is located on the licensed premises of a restaurant licensee;
- 803 (b) is separated from the area within the restaurant for a patron's consumption of food by
- 804 a permanent, opaque, floor-to-ceiling wall such that the inside of the room is not
- 805 visible to a patron in the area within the restaurant for a patron's consumption of
- 806 food; and
- 807 (c)(i) has at least 1,000 square feet that:
- 808 (A) may be reserved for a banquet; and
- 809 (B) accommodates at least 75 individuals; or
- 810 (ii) if the restaurant is located in a small or unincorporated locality, has an

811 appropriate amount of space, as determined by the commission, that may be
812 reserved for a banquet.

813 (114) "Retail license" means one of the following licenses issued under this title:

- 814 (a) a full-service restaurant license;
- 815 (b) a master full-service restaurant license;
- 816 (c) a limited-service restaurant license;
- 817 (d) a master limited-service restaurant license;
- 818 (e) a bar establishment license;
- 819 (f) an airport lounge license;
- 820 (g) an on-premise banquet license;
- 821 (h) an on-premise beer license;
- 822 (i) a reception center license;
- 823 (j) a beer-only restaurant license;
- 824 (k) a hospitality amenity license;
- 825 (l) a resort license;
- 826 (m) a hotel license; or
- 827 (n) an arena license.

828 (115) "Room service" means furnishing an alcoholic product to a person in a guest room or
829 privately owned dwelling unit of a:

- 830 (a) hotel; or
- 831 (b) resort facility.

832 (116)(a) "School" means a building in which any part is used for more than three hours
833 each weekday during a school year as a public or private:

- 834 (i) elementary school;
- 835 (ii) secondary school; or
- 836 (iii) kindergarten.
- 837 (b) "School" does not include:
 - 838 (i) a nursery school;
 - 839 (ii) a day care center;
 - 840 (iii) a trade and technical school;
 - 841 (iv) a preschool;
 - 842 (v) a home school;
 - 843 (vi) a home-based microschool as defined in Section 53G-6-201; or
 - 844 (vii) a micro-education entity as defined in Section 53G-6-201.

- 845 (117) "Secondary flavoring ingredient" means any spirituous liquor added to a beverage for
846 additional flavoring that is different in type, flavor, or brand from the primary spirituous
847 liquor in the beverage.
- 848 (118) "Sell" or "offer for sale" means a transaction, exchange, or barter whereby, for
849 consideration, an alcoholic product is either directly or indirectly transferred, solicited,
850 ordered, delivered for value, or by a means or under a pretext is promised or obtained,
851 whether done by a person as a principal, proprietor, or as staff, unless otherwise defined
852 in this title or the rules made by the commission.
- 853 (119) "Serve" means to place an alcoholic product before an individual.
- 854 (120) "Sexually oriented entertainer" means a person who while in a state of seminudity
855 appears at or performs:
- 856 (a) for the entertainment of one or more patrons;
- 857 (b) on the premises of:
- 858 (i) a bar licensee; or
- 859 (ii) a tavern;
- 860 (c) on behalf of or at the request of the licensee described in Subsection (120)(b);
- 861 (d) on a contractual or voluntary basis; and
- 862 (e) whether or not the person is designated as:
- 863 (i) an employee;
- 864 (ii) an independent contractor;
- 865 (iii) an agent of the licensee; or
- 866 (iv) a different type of classification.
- 867 (121) "Shared seating area" means the licensed premises of two or more restaurant
868 licensees that the restaurant licensees share as an area for alcoholic beverage
869 consumption in accordance with Subsection 32B-5-207(3).
- 870 (122) "Single event permit" means a permit issued in accordance with Chapter 9, Part 3,
871 Single Event Permit.
- 872 (123) "Small brewer" means a brewer who manufactures less than 60,000 barrels of beer,
873 heavy beer, and flavored malt beverage per year, as the department calculates by:
- 874 (a) if the brewer is part of a controlled group of manufacturers, including the combined
875 volume totals of production for all breweries that constitute the controlled group of
876 manufacturers; and
- 877 (b) excluding beer, heavy beer, or flavored malt beverage the brewer:
- 878 (i) manufactures that is unfit for consumption as, or in, a beverage, as the commission

- 879 determines by rule made in accordance with Title 63G, Chapter 3, Utah
880 Administrative Rulemaking Act; and
- 881 (ii) does not sell for consumption as, or in, a beverage.
- 882 (124) "Small or unincorporated locality" means:
- 883 (a) a city of the third, fourth, or fifth class, as classified under Section 10-2-301;
- 884 (b) a town, as classified under Section 10-2-301; or
- 885 (c) an unincorporated area in a county of the third, fourth, or fifth class, as classified
886 under Section 17-60-104.
- 887 (125) "Spa sublicense" means a sublicense:
- 888 (a) to a resort license or hotel license; and
- 889 (b) that the commission issues in accordance with Chapter 8d, Part 2, Resort Spa
890 Sublicense.
- 891 (126) "Special use permit" means a permit issued in accordance with Chapter 10, Special
892 Use Permit Act.
- 893 (127)(a) "Spirituous liquor" means liquor that is distilled.
- 894 (b) "Spirituous liquor" includes an alcoholic product defined as a "distilled spirit" by 27
895 U.S.C. Sec. 211 and 27 C.F.R. Secs. 5.11 through 5.23.
- 896 (128) "Sports center" is as defined by the commission by rule.
- 897 (129)(a) "Staff" means an individual who engages in activity governed by this title:
- 898 (i) on behalf of a business, including a package agent, licensee, permittee, or
899 certificate holder;
- 900 (ii) at the request of the business, including a package agent, licensee, permittee, or
901 certificate holder; or
- 902 (iii) under the authority of the business, including a package agent, licensee,
903 permittee, or certificate holder.
- 904 (b) "Staff" includes:
- 905 (i) an officer;
- 906 (ii) a director;
- 907 (iii) an employee;
- 908 (iv) personnel management;
- 909 (v) an agent of the licensee, including a managing agent;
- 910 (vi) an operator; or
- 911 (vii) a representative.
- 912 (130) "State of nudity" means:

- 913 (a) the appearance of:
- 914 (i) the nipple or areola of a female human breast;
- 915 (ii) a human genital;
- 916 (iii) a human pubic area; or
- 917 (iv) a human anus; or
- 918 (b) a state of dress that fails to opaquely cover:
- 919 (i) the nipple or areola of a female human breast;
- 920 (ii) a human genital;
- 921 (iii) a human pubic area; or
- 922 (iv) a human anus.
- 923 (131) "State of seminudity" means a state of dress in which opaque clothing covers no more
- 924 than:
- 925 (a) the nipple and areola of the female human breast in a shape and color other than the
- 926 natural shape and color of the nipple and areola; and
- 927 (b) the human genitals, pubic area, and anus:
- 928 (i) with no less than the following at its widest point:
- 929 (A) four inches coverage width in the front of the human body; and
- 930 (B) five inches coverage width in the back of the human body; and
- 931 (ii) with coverage that does not taper to less than one inch wide at the narrowest point.
- 932 (132)(a) "State store" means a facility for the sale of packaged liquor:
- 933 (i) located on premises owned or leased by the state; and
- 934 (ii) operated by a state employee.
- 935 (b) "State store" does not include:
- 936 (i) a package agency;
- 937 (ii) a licensee; or
- 938 (iii) a permittee.
- 939 (133)(a) "Storage area" means an area on licensed premises where the licensee stores an
- 940 alcoholic product.
- 941 (b) "Store" means to place or maintain in a location an alcoholic product.
- 942 (134) "Sublicense" means:
- 943 (a) any of the following licenses issued as a subordinate license to, and contingent on the
- 944 issuance of, a principal license:
- 945 (i) a full-service restaurant license;
- 946 (ii) a limited-service restaurant license;

- 947 (iii) a bar establishment license;
- 948 (iv) an on-premise banquet license;
- 949 (v) an on-premise beer retailer license;
- 950 (vi) a beer-only restaurant license; or
- 951 (vii) a hospitality amenity license; or
- 952 (b) a spa sublicense.
- 953 (135) "Supplier" means a person who sells an alcoholic product to the department.
- 954 (136) "Tavern" means an on-premise beer retailer who is:
- 955 (a) issued a license by the commission in accordance with Chapter 5, Retail License Act,
- 956 and Chapter 6, Part 7, On-Premise Beer Retailer License; and
- 957 (b) designated by the commission as a tavern in accordance with Chapter 6, Part 7,
- 958 On-Premise Beer Retailer License.
- 959 (137) "Temporary beer event permit" means a permit issued in accordance with Chapter 9,
- 960 Part 4, Temporary Beer Event Permit.
- 961 (138) "Temporary domicile" means the principal place of abode within Utah of a person
- 962 who does not have a present intention to continue residency within Utah permanently or
- 963 indefinitely.
- 964 (139) "Translucent" means a substance that allows light to pass through, but does not allow
- 965 an object or person to be seen through the substance.
- 966 (140) "Unsaleable liquor merchandise" means a container that:
- 967 (a) is unsaleable because the container is:
- 968 (i) unlabeled;
- 969 (ii) leaky;
- 970 (iii) damaged;
- 971 (iv) difficult to open; or
- 972 (v) partly filled;
- 973 (b)(i) has faded labels or defective caps or corks;
- 974 (ii) has contents that are:
- 975 (A) cloudy;
- 976 (B) spoiled; or
- 977 (C) chemically determined to be impure; or
- 978 (iii) contains:
- 979 (A) sediment; or
- 980 (B) a foreign substance; or

- 981 (c) is otherwise considered by the department as unfit for sale.
- 982 (141)(a) "Wine" means an alcoholic product obtained by the fermentation of the natural
983 sugar content of fruits, plants, honey, or milk, or other like substance, whether or not
984 another ingredient is added.
- 985 (b) "Wine" includes:
- 986 (i) an alcoholic beverage defined as wine under 27 U.S.C. Sec. 211 and 27 C.F.R.
987 Sec. 4.10; and
- 988 (ii) hard cider.
- 989 (c) "Wine" is considered liquor for purposes of this title, except as otherwise provided in
990 this title.
- 991 (142) "Winery manufacturing license" means a license issued in accordance with Chapter
992 11, Part 3, Winery Manufacturing License.
- 993 Section 3. Section **53-3-235** is amended to read:
- 994 **53-3-235 . Electronic license certificate or identification card.**
- 995 (1)(a) On or before January 1, 2021, the division shall establish a pilot program for a
996 process and system for an individual to obtain an electronic license certificate or
997 identification card.
- 998 (b) Based on information and results from the pilot program described in Subsection
999 (1)(a), on or before January 1, 2022, the division shall establish a process and system
1000 for an individual to obtain an electronic license certificate or identification card.
- 1001 (2) In order to contract with a vendor to establish a process and system to issue an
1002 electronic license certificate or identification card, the division shall issue a standard
1003 procurement process in accordance with Title 63G, Chapter 6a, Utah Procurement Code.
- 1004 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1005 division may make rules necessary to facilitate the implementation, coordination, and
1006 administration of electronic license certificates and identification cards.
- 1007 Section 4. Section **63A-19-501** is amended to read:
- 1008 **63A-19-501 . Data privacy ombudsperson.**
- 1009 (1) The governor shall appoint a data privacy ombudsperson with the advice of the
1010 governing board.
- 1011 (2) The ombudsperson shall:
- 1012 (a) be familiar with the provisions of:
- 1013 (i) this chapter;
- 1014 (ii) Chapter 12, Division of Archives and Records Service and Management of

- 1015 Government Records;
- 1016 (iii) Chapter 20, State-Endorsed Digital Identity; and
- 1017 ~~[(iii)]~~ (iv) Title 63G, Chapter 2, Government Records Access and Management Act;
- 1018 and
- 1019 (b) serve as a resource for:
- 1020 (i) an individual who is making or responding to a complaint about a governmental
- 1021 entity's data privacy practice; and
- 1022 (ii) a governmental entity which is the subject of a data privacy complaint.
- 1023 (3) The ombudsperson may, upon request by a governmental entity or individual, mediate
- 1024 data privacy disputes between individuals and governmental entities.
- 1025 (4) After consultation with the chief privacy officer, the ombudsperson may raise issues and
- 1026 questions before the governing board regarding serious and repeated violations of data
- 1027 privacy from:
- 1028 (a) a specific governmental entity; or
- 1029 (b) widespread governmental entity data privacy practices.
- 1030 (5) When a data privacy complaint has been resolved, the ombudsperson shall post on the
- 1031 office's website a summary of the complaint and the resolution of the matter.
- 1032 (6) The ombudsperson may receive and review complaints regarding alleged violations of
- 1033 Chapter 20, State-Endorsed Digital Identity, by private sector entities, and may refer
- 1034 such complaints to the attorney general for enforcement in accordance with Section
- 1035 63A-20-801.

1036 Section 5. Section **63A-20-101** is enacted to read:

1037 **CHAPTER 20. State-Endorsed Digital Identity**

1038 **Part 1. Digital Identity Bill of Rights**

1039 **63A-20-101 . Digital identity bill of rights.**

1040 The following rights constitute the digital identity bill of rights in this state:

- 1041 (1) An individual possesses an individual identity innate to the individual's existence and
- 1042 independent of the state, which identity is fundamental and inalienable.
- 1043 (2) An individual has a right to the management and control of the individual's digital
- 1044 identity to protect individual privacy.
- 1045 (3) An individual has a right to choose, receive, and use a physical form of identity
- 1046 assertion that is endorsed by the state.
- 1047 (4) An individual has a right to not be compelled by the state to possess, use, or rely upon a

- 1048 digital form of identity assertion in place of a physical form of identity assertion that is
1049 endorsed by the state.
- 1050 (5) An individual has a right to state endorsement of the individual's digital identity upon
1051 meeting objective, uniform standards for eligibility and verification established by law,
1052 and a right to not have such endorsement arbitrarily or discriminatorily withheld or
1053 revoked.
- 1054 (6) An individual has a right to have the state's operation of digital identity systems
1055 governed by clear standards established by the Legislature, including for eligibility,
1056 issuance, endorsement, acceptance, revocation, or interoperability of digital identity
1057 assertions.
- 1058 (7) An individual has a right to transparency in the design and operation of a state digital
1059 identity, including the right to access, read, and review the standards and technical
1060 specifications upon which the state digital identity is built and operates.
- 1061 (8) An individual has the right to choose what identity attributes are disclosed by the
1062 individual's state digital identity in accordance with standards established by the
1063 Legislature.
- 1064 (9) An individual has the right to any service or benefit to which the individual is otherwise
1065 lawfully entitled based on the individual's choice of a lawful format or means of identity
1066 assertion without denial, diminishment, or condition.
- 1067 (10) An individual has a right to be free from surveillance, profiling, tracking, or persistent
1068 monitoring of the individual's assertions of digital identity by the state, except as
1069 authorized by law.
- 1070 (11) An individual has a right to not be required by the state to surrender the individual's
1071 device in order to present the individual's digital identity.

1072 Section 6. Section **63A-20-201** is enacted to read:

1073 **Part 2. Definitions and Program Creation**

1074 **63A-20-201 . Definitions.**

1075 As used in this chapter:

- 1076 (1) "Cross-context correlation" means the ability of a person to link, associate, or infer that
1077 the presentation of a state-endorsed digital identity originating with the same or another
1078 person relates to the same individual.
- 1079 (2) "Data privacy ombudsperson" means the data privacy ombudsperson created in Section
1080 63A-19-501.
- 1081 (3)(a) "Digital guardian" means a person authorized to act in the best interest and on

- 1082 behalf of another individual.
- 1083 (b) "Digital guardian" includes a:
- 1084 (i) representative designated by the individual as described in the rules made by the
- 1085 department;
- 1086 (ii) custodial parent of an unemancipated minor;
- 1087 (iii) legal guardian of a minor appointed under Section 75-5-202; or
- 1088 (iv) legal guardian of an incapacitated individual appointed under Section 75-5-301.
- 1089 (4)(a) "Digital identity" means an electronic record that:
- 1090 (i) an individual may use to assert an individual's identity or identity attributes; and
- 1091 (ii) can be mathematically verified.
- 1092 (b) "Digital identity" does not include an electronic record that only relies on shared
- 1093 authentication information to verify an individual's identity, including a username,
- 1094 password, personal identification number, or one-time code.
- 1095 (5) "Digital wallet" means an application, hardware device, software, or service that
- 1096 securely stores, organizes, and manages a state digital identity.
- 1097 (6) "Digital wallet provider" means a person that creates, develops, maintains, supports, and
- 1098 makes available a digital wallet for a state digital identity.
- 1099 (7) "Governmental entity" means the same as that term is defined in Section 63A-19-101.
- 1100 (8) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 1101 (9) "Holder" means:
- 1102 (a) an individual whose identity attributes are contained in the state digital identity; or
- 1103 (b) a digital guardian who manages and presents a state digital identity on behalf of the
- 1104 individual.
- 1105 (10) "Identity" means the qualities, features, or characteristics that identify or distinguish an
- 1106 individual.
- 1107 (11) "Identity attribute" means a specific quality, characteristic, fact, or information related
- 1108 to an individual's identity.
- 1109 (12) "Identity proofing" means the process of collecting, validating, and verifying
- 1110 information about an individual to establish confidence in the individual's claimed
- 1111 identity.
- 1112 (13) "Identity proofing entity" means an entity authorized by the department to conduct
- 1113 identity proofing for the purpose of issuing a state-endorsed digital identity.
- 1114 (14) "Individual" means a human being.
- 1115 (15) "Minor" means an individual who is under 18 years old.

- 1116 (16) "Offline presentation" means a presentation that does not involve the internet.
- 1117 (17) "Online presentation" means a presentation that utilizes the internet or other computer
- 1118 network.
- 1119 (18) "Parent" means an individual who has established a parent-child relationship with a
- 1120 child as described in Section 81-5-201.
- 1121 (19) "Person" means an individual, corporation, organization, association, governmental
- 1122 entity, or other legal entity.
- 1123 (20) "Personal digital identifier" means an identifier that is:
- 1124 (a) unique;
- 1125 (b) created by or at the direction of an individual;
- 1126 (c) mathematically provable to be under a holder's control; and
- 1127 (d) transportable to technical infrastructure of the holder's choosing.
- 1128 (21) "Physical identity" means a physical record that an individual may use to assert the
- 1129 individual's identity issued by:
- 1130 (a) a governmental entity;
- 1131 (b) the equivalent of a governmental entity in another state;
- 1132 (c) the federal government; or
- 1133 (d) another country.
- 1134 (22) "Presentation" means the disclosure of an individual's identity attributes from the
- 1135 individual's state digital identity to a verifier or relying party.
- 1136 (23) "Process" means any operation or set of operations performed on an individual's
- 1137 identity attributes.
- 1138 (24) "Program" means the state-endorsed digital identity program described in Section
- 1139 63A-20-202.
- 1140 (25) "Program manager" means the individual appointed under Section 63A-20-203.
- 1141 (26) "Relying party" means a person that relies on a verifier's assertion of an individual's
- 1142 identity or identity attribute that a state digital identity provides.
- 1143 (27) "Secure electronic device" means a device capable of securely storing, presenting, or
- 1144 displaying a state-endorsed digital identity, including physical tokens and accessible
- 1145 devices.
- 1146 (28) "State digital identity" means:
- 1147 (a) a state-endorsed digital identity; or
- 1148 (b) an electronic license certificate or identification card issued in accordance with
- 1149 Section 53-3-235.

- 1150 (29) "State-endorsed digital identity" means an individual's digital identity that:
 1151 (a) includes a personal digital identifier; and
 1152 (b) the department has issued.
- 1153 (30) "Verifier" means a person that mathematically verifies a state digital identity to
 1154 evaluate the state digital identity's authenticity and integrity.
- 1155 Section 7. Section **63A-20-202** is enacted to read:
 1156 **63A-20-202 . Digital identity program -- creation -- duties.**
- 1157 (1) There is created within the department the State-Endorsed Digital Identity Program.
 1158 (2) The department shall design, implement, administer, and issue a state-endorsed digital
 1159 identity in compliance with the requirements in Part 3, State-Endorsed Digital Identity.
- 1160 (3)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1161 the department shall make rules to:
- 1162 (i) administer this chapter;
 1163 (ii) establish technological standards and best practices for governmental entities
 1164 regarding:
- 1165 (A) the creation, issuance, use, and acceptance of a state-endorsed digital identity;
 1166 and
 1167 (B) the collection, processing, storage, and disclosure of individual identity or
 1168 identity attributes; and
- 1169 (iii) establish procedures for an individual to:
- 1170 (A) apply for a state-endorsed digital identity; and
 1171 (B) designate a digital guardian.
- 1172 (b) The department shall:
- 1173 (i) accept public comment for a period of 45 days from the day the proposed rule is
 1174 published in the Utah State Bulletin as described in Section 63G-3-301; and
 1175 (ii) issue a response to substantive comments submitted by the public before making
 1176 the proposed rule effective.
- 1177 (4) In furtherance of these duties the department may consult with:
- 1178 (a) governmental entities;
 1179 (b) government entities in other states;
 1180 (c) technology experts; or
 1181 (d) organizations that establish technology standards.
- 1182 (5) The department may:
- 1183 (a) establish fees in accordance with Section 63J-1-504 for issuing, renewing, or

- 1184 replacing a state-endorsed digital identity; or
1185 (b) apply for, accept, allocate, and administer grants, funds, or awards from any public
1186 or private source for the purpose of implementing this chapter.
1187 (6) Beginning on January 1, 2027, the department shall annually report before June 1 to the
1188 Economic Development and Workforce Services Interim Committee regarding:
1189 (a) program implementation and adoption metrics;
1190 (b) security incidents and remediation steps taken in response;
1191 (c) comments submitted to the program by the public;
1192 (d) changes made to the program as a result of comments submitted by the public;
1193 (e) vendor ecosystem status, including number of conformant digital wallets and verifier
1194 tools;
1195 (f) findings and recommendations from the coordination activities described in Section
1196 63A-20-204; and
1197 (g) any recommended statutory changes.

1198 Section 8. Section **63A-20-203** is enacted to read:

1199 **63A-20-203 . Program manager -- appointment -- duties.**

- 1200 (1) The executive director, with the approval of the governor, shall appoint an individual to
1201 manage the program.
1202 (2) The program manager shall be experienced in:
1203 (a) government administration;
1204 (b) data privacy;
1205 (c) cybersecurity; and
1206 (d) information technology.
1207 (3) The program manager is responsible for implementing a state-endorsed digital identity
1208 in accordance with this chapter.

1209 Section 9. Section **63A-20-204** is enacted to read:

1210 **63A-20-204 . Coordination on use cases -- Report.**

- 1211 (1) The department shall coordinate with the following agencies to evaluate mechanisms by
1212 which a state-endorsed digital identity may be accepted and verified in the performance
1213 of their statutory duties or authorized functions:
1214 (a) the Department of Alcoholic Beverage Services;
1215 (b) the Driver License Division;
1216 (c) the Department of Health and Human Services;
1217 (d) the State Board of Education; and

- 1218 (e) state and local law enforcement agencies.
- 1219 (2) The coordination described in Subsection (1) shall include evaluation and development
- 1220 of use cases for:
- 1221 (a) age verification for the purchase of alcoholic products under Title 32B;
- 1222 (b) student enrollment and related identity verification within public education systems;
- 1223 (c) identity verification by law enforcement officers during lawful encounters; and
- 1224 (d) identity verification by Utah financial institutions consistent with applicable state
- 1225 and federal law.
- 1226 (3) In performing the duties described in this section, the department shall:
- 1227 (a) identify operational, technical, privacy, and legal requirements necessary to enable
- 1228 secure and reliable acceptance and verification of a state-endorsed digital identity;
- 1229 (b) develop standards and guidance to support consistent implementation; and
- 1230 (c) identify any statutory, rule, or policy changes necessary to facilitate integration and
- 1231 acceptance.
- 1232 (4) The department shall include its findings and recommendations under this section in the
- 1233 annual report described in Section 63A-20-202(6).

1234 Section 10. Section **63A-20-301** is enacted to read:

1235 **Part 3. State-Endorsed Digital Identity**

1236 **63A-20-301 . State-endorsed digital identity requirements.**

- 1237 (1) A state-endorsed digital identity shall:
- 1238 (a) incorporate state-of-the-art safeguards for protecting an individual's identity,
- 1239 including compromise detection, recovery mechanisms, and cross-context correlation
- 1240 protections;
- 1241 (b) include methods to establish authenticity and integrity;
- 1242 (c) be compatible with a wide variety of technological systems while maintaining strong
- 1243 privacy and security;
- 1244 (d) support online and offline presentation;
- 1245 (e) enable a holder to:
- 1246 (i) selectively disclose an individual's identity attributes; or
- 1247 (ii) demonstrate that the individual meets a specified minimum age without
- 1248 disclosing the individual's age or birth date;
- 1249 (f) allow a holder to choose a digital wallet that conforms with the requirements
- 1250 established by the department; and
- 1251 (g) be easy for a holder to adopt and use.

- 1252 (2) The department shall:
- 1253 (a) validate verification of an individual's identity provided by an identity proofing
- 1254 entity;
- 1255 (b) comply with the requirements of this chapter through technological means where
- 1256 possible;
- 1257 (c) ensure any technical infrastructure used to control the issuance or revocation of a
- 1258 state-endorsed digital identity is maintained within a state-controlled data center
- 1259 located within the state;
- 1260 (d) ensure that a state-controlled data center located within the state shall use best
- 1261 practices in collection, processing, storage, and disclosure of all individual identity
- 1262 and identity attributes;
- 1263 (e) select open technological standards for the creation, issuance, use, and acceptance of
- 1264 a state-endorsed digital identity that are:
- 1265 (i) publicly available; and
- 1266 (ii) free from:
- 1267 (A) licensing fees; and
- 1268 (B) patent restrictions;
- 1269 (f) verify and endorse a specific set of identity attributes including an individual's:
- 1270 (i) name;
- 1271 (ii) birth date;
- 1272 (iii) image; and
- 1273 (iv) Utah residence address; and
- 1274 (g) create a process for:
- 1275 (i) a holder to:
- 1276 (A) obtain, maintain, and control an individual's state-endorsed digital identity;
- 1277 (B) use an individual's state-endorsed digital identity;
- 1278 (C) limit access to an individual's state-endorsed digital identity and identity
- 1279 attributes;
- 1280 (D) obtain a new state-endorsed digital identity if the individual's state-endorsed
- 1281 digital identity is compromised; and
- 1282 (E) migrate a state-endorsed digital identity to another digital wallet compliant
- 1283 with this chapter;
- 1284 (ii) a holder to request that an individual's identity attributes be amended or corrected;
- 1285 and

1286 (iii) appointment of a digital guardian to obtain or use a state-endorsed digital identity
1287 on an individual's behalf.

1288 (3) A state-endorsed digital identity may not include a mechanism that allows the
1289 department to monitor, surveil, or track the presentation of a state-endorsed digital
1290 identity to another entity.

1291 (4) Information provided by an individual to the state to obtain a state-endorsed digital
1292 identity may only be:

1293 (a) used for the purpose of issuing and managing a state-endorsed digital identity;

1294 (b) used as authorized by the individual;

1295 (c) retained as long as necessary to issue and manage a state-endorsed digital identity;

1296 (d) maintained within a state-controlled data center located within the state; or

1297 (e) disclosed to:

1298 (i) the subject of the record or the subject's digital guardian; or

1299 (ii) a person with a warrant or court order.

1300 (5) The department may only revoke an individual's state-endorsed digital identity if:

1301 (a) the state-endorsed digital identity has been compromised;

1302 (b) the department's endorsement was:

1303 (i) issued in error; or

1304 (ii) based on fraudulent information; or

1305 (c) the holder requests that the department revoke the individual's state-endorsed digital
1306 identity.

1307 (6) The department shall report a data breach regarding individual identity or identity
1308 attributes in accordance with Section 63A-19-405.

1309 Section 11. Section **63A-20-302** is enacted to read:

1310 **63A-20-302 . Application and eligibility for state-endorsed digital identity.**

1311 (1) An individual who is at least 18 years old, or is an emancipated minor, may apply to the
1312 department for a state-endorsed digital identity.

1313 (2) An individual who is under 18 years old, and is not an emancipated minor, may apply to
1314 the department for a state-endorsed digital identity only with the consent of the
1315 individual's digital guardian.

1316 (3)(a) If an individual is unable to apply for a state-endorsed digital identity due to the
1317 individual's youth or incapacitation, the application may be made on behalf of that
1318 individual by the individual's digital guardian.

1319 (b) A digital guardian applying on behalf of a minor or incapacitated individual shall

- 1320 provide:
- 1321 (i) identification, as required by the department; and
- 1322 (ii) the consent of the incapacitated individual, as required by the department.
- 1323 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1324 Administrative Rulemaking Act, establishing:
- 1325 (a) the form and manner of an application under this section;
- 1326 (b) identity proofing requirements and procedures; and
- 1327 (c) procedures for denial, correction, reissuance, and compromise recovery consistent
- 1328 with this part.
- 1329 (5) An individual is not required to apply for or obtain a state-endorsed digital identity.
- 1330 (6) To apply for or receive a state-endorsed digital identity, an applicant shall:
- 1331 (a) have lawful presence in the United States;
- 1332 (b) be a resident of Utah; and
- 1333 (c) successfully complete the department's identity proofing process established under
- 1334 this part.
- 1335 (7)(a) The department may not require collection of information that is not necessary to
- 1336 verify identity or eligibility.
- 1337 (b) Required information may include, as determined by the department and documented
- 1338 by rule:
- 1339 (i) the applicant's true and full legal name;
- 1340 (ii) date of birth;
- 1341 (iii) Utah residence address;
- 1342 (iv) evidence of lawful presence in the United States;
- 1343 (v) evidence of Utah residency; and
- 1344 (vi) other information strictly necessary to complete identity proofing.
- 1345 Section 12. Section **63A-20-303** is enacted to read:
- 1346 **63A-20-303 . Identity proofing.**
- 1347 (1)(a) The department shall establish and maintain identity proofing requirements for the
- 1348 issuance of a state-endorsed digital identity that:
- 1349 (i) follow a generally accepted identity proofing standard;
- 1350 (ii) are commensurate with the risks of impersonation, fraud, and misuse associated
- 1351 with the credential; and
- 1352 (iii) are consistent with the privacy, civil liberties, and security requirements of this
- 1353 chapter.

- 1354 (b) The identity proofing process shall be designed to establish, at a minimum, that:
1355 (i) the applicant is a real individual;
1356 (ii) the applicant is the individual the applicant claims to be;
1357 (iii) the applicant's birth date is the date the applicant claims it to be; and
1358 (iv) the applicant meets the eligibility requirements of Section 63A-20-302.
- 1359 (c) The department shall ensure that the identity proofing process results in a credential
1360 that provides a level of confidence in the individual's identity that is:
1361 (i) sufficiently robust to support reliance by governmental entities and private-sector
1362 relying parties where required by law or policy for online age assurance; and
1363 (ii) appropriate for use in both online and offline presentations.
- 1364 (d) Identity proofing processes shall be designed so that the state's endorsement:
1365 (i) reflects verification at a point in time; and
1366 (ii) does not require:
1367 (A) continuous monitoring; or
1368 (B) tracking.
- 1369 (2)(a) An applicant shall provide true and accurate information as required under this
1370 part.
- 1371 (b) Knowingly providing materially false information for the purpose of obtaining a
1372 state-endorsed digital identity constitutes fraud and may result in denial, revocation,
1373 and other remedies provided by law.
- 1374 (3)(a) Obtaining or holding a state-endorsed digital identity does not affect an individual
1375 's physical identity documents.
- 1376 (b) An individual is not required to surrender, cancel, or replace any physical identity
1377 document as a condition of applying for or holding a state-endorsed digital identity.
- 1378 (4)(a) The department shall define by rule, in accordance with Title 63G, Chapter 3,
1379 Utah Administrative Rulemaking Act, the identity proofing standards and processes
1380 required for issuance of a state-endorsed digital identity.
- 1381 (b) The rules shall, at a minimum:
1382 (i) specify the objectives the identity proofing process is intended to achieve;
1383 (ii) describe the acceptable methods of identity proofing, including:
1384 (A) in-person, remote, or hybrid methods, and the conditions under which each
1385 may be used; and
1386 (B) minimum evidence requirements and validation methods;
1387 (iii) align with generally accepted identity proofing practices; and

1388 (iv) establish requirements and a process to become an identity proofing entity.

1389 Section 13. Section **63A-20-304** is enacted to read:

1390 **63A-20-304 . Requirements for governmental entities.**

1391 (1) A governmental entity may not:

1392 (a) convey a material benefit upon an individual for using a state digital identity instead
1393 of a physical identity;

1394 (b) withhold services or benefits from an individual if the individual uses a physical
1395 identity or is otherwise unable to use a state digital identity; or

1396 (c) require a holder to surrender the holder's secure electronic device in the course of a
1397 presentation.

1398 (2)(a) A governmental entity that, on or after May 6, 2026, implements a new system
1399 that accepts a digital identity shall, within three months after the day on which the
1400 department issues the first state-endorsed digital identity, accept a state-endorsed
1401 digital identity.

1402 (b) A governmental entity is not required to accept a state-endorsed digital identity
1403 within the time frame described in Subsection (2)(a) if the governmental entity:

1404 (i)(A) demonstrates to the satisfaction of the department that accepting a

1405 state-endorsed digital identity at that time is not technically feasible; and

1406 (B) provides a plan for accepting a state-endorsed digital identity as soon as
1407 feasible; or

1408 (ii) is required by law to only accept a specific form of state digital identity.

1409 Section 14. Section **63A-20-305** is enacted to read:

1410 **63A-20-305 . Requirements for health care providers.**

1411 (1) Within two years from the date the first state-endorsed digital identity is issued, a health
1412 care provider that receives at least \$10,000,000 a year in public funding shall accept a
1413 state-endorsed digital identity if the health care provider has a program or system that
1414 accepts a digital identity.

1415 (2) A health care provider is not required to accept a state-endorsed digital identity within
1416 the time frame described in Subsection (1) if the health care provider:

1417 (a)(i) demonstrates to the satisfaction of the department that accepting a

1418 state-endorsed digital identity at that time is not technically feasible; and

1419 (ii) provides a plan for accepting a state-endorsed digital identity as soon as feasible;

1420 or

1421 (b) is required by law to only accept a specific form of state digital identity.

1422 Section 15. Section **63A-20-401** is enacted to read:

1423 **Part 4. Digital Wallet Providers**

1424 **63A-20-401 . Requirements for digital wallet providers.**

1425 (1) A digital wallet produced by a digital wallet provider shall:

1426 (a) incorporate state-of-the-art safeguards for protecting an individual's identity;

1427 (b) process an individual's identity attributes in a secure manner;

1428 (c) comply with the requirements of this part through technological means where
1429 possible;

1430 (d) be tamper resistant;

1431 (e) support online and offline presentation of a state-endorsed digital identity;

1432 (f) maintain a secure log:

1433 (i) with sufficient information for the holder to know:

1434 (A) what identity attributes were provided; and

1435 (B) the verifier or relying party the identity attributes were provided to;

1436 (ii) accessible only to the holder;

1437 (iii) exportable only by the holder; and

1438 (iv) deletable only by the holder;

1439 (g) enable a holder to:

1440 (i) selectively disclose an individual's identity attributes; or

1441 (ii) demonstrate that the individual meets a specified minimum age without
1442 disclosing the individual's age or birth date; and

1443 (h) allow a presentation of a state-endorsed digital identity by a digital guardian.

1444 (2) A digital wallet provider may only process an individual's identity attributes from a state
1445 digital identity if:

1446 (a) the processing is necessary for a presentation;

1447 (b) the holder has received conspicuous notice of:

1448 (i) what identity attributes are collected from the state digital identity;

1449 (ii) how the identity attributes are used;

1450 (iii) the purpose for which the identity attributes are processed; and

1451 (iv) how long the identity attributes are retained; and

1452 (c) the holder consents to the processing of the individual's identity attributes.

1453 (3) Information provided by a holder to a digital wallet provider for the purpose of creating
1454 or using a digital identity may only be:

1455 (a) processed for the primary purpose for which the holder disclosed the information; and

- 1456 (b) used, retained, sold, or shared:
1457 (i) as expressly authorized by the holder; or
1458 (ii) if required by law.
1459 (4) Nothing in this section relieves a digital wallet provider from complying with the
1460 requirements of Title 13, Chapter 44, Protection of Personal Information Act, or Title
1461 13, Chapter 61, Utah Consumer Privacy Act.

1462 Section 16. Section **63A-20-501** is enacted to read:

1463 **Part 5. Verifiers**

1464 **63A-20-501 . Requirements for verifiers.**

- 1465 (1) A verifier shall:
1466 (a) incorporate state-of-the-art safeguards for protecting an individual's identity in the
1467 verification process;
1468 (b) comply with the requirements of this part through technological means where
1469 possible;
1470 (c) process an individual's identity attributes in a secure manner;
1471 (d) process only the minimum identity attributes reasonably necessary to achieve a
1472 specified purpose defined by the relying party requesting the presentation; and
1473 (e) accept a presentation of a state-endorsed digital identity by a digital guardian.
1474 (2) A verifier may only process an individual's identity attributes from a state digital
1475 identity if:
1476 (a) authorized by the holder;
1477 (b) the processing is necessary for a presentation;
1478 (c) the holder has received conspicuous notice of:
1479 (i) what identity attributes are collected;
1480 (ii) how the identity attributes are used;
1481 (iii) the purpose for which the identity attributes are processed; and
1482 (iv) how long the identity attributes are retained; and
1483 (d) the holder consents to the processing of the identity attributes.
1484 (3) A verifier may not require a holder to surrender the holder's secure electronic device in
1485 the course of a presentation.
1486 (4) Nothing in this section relieves a verifier from complying with the requirements of Title
1487 13, Chapter 44, Protection of Personal Information Act, or Title 13, Chapter 61, Utah
1488 Consumer Privacy Act.

1489 Section 17. Section **63A-20-601** is enacted to read:

Part 6. Relying Parties

63A-20-601 . Requirements for relying parties.

- 1490
- 1491
- 1492 (1) A relying party shall:
- 1493 (a) incorporate state-of-the-art safeguards for protecting an individual's identity in the
- 1494 verification process;
- 1495 (b) comply with the requirements of this part through technological means where
- 1496 possible;
- 1497 (c) process an individual's identity attributes in a secure manner;
- 1498 (d) process only the minimum identity attributes reasonably necessary to achieve a
- 1499 specified purpose; and
- 1500 (e) accept a presentation of a state-endorsed digital identity by a digital guardian.
- 1501 (2) A relying party may only process an individual's identity attributes from a state digital
- 1502 identity if:
- 1503 (a) authorized by the holder;
- 1504 (b) the processing is necessary for a specified purpose;
- 1505 (c) the holder has received conspicuous notice of:
- 1506 (i) what identity attributes are collected;
- 1507 (ii) how the identity attributes are used;
- 1508 (iii) the purpose for which the identity attributes are processed; and
- 1509 (iv) how long the identity attributes are retained; and
- 1510 (d) the holder consents to the processing of the identity attributes.
- 1511 (3) A relying party may not require a holder to surrender the holder's secure electronic
- 1512 device in the course of a presentation.
- 1513 (4) A relying party may accept a state-endorsed digital identity as proof of an individual's
- 1514 identity or identity attributes unless a different method of proof is required by law.
- 1515 (5) Nothing in this section relieves a relying party from complying with the requirements of
- 1516 Title 13, Chapter 44, Protection of Personal Information Act, or Title 13, Chapter 61,
- 1517 Utah Consumer Privacy Act.

1518 Section 18. Section **63A-20-701** is enacted to read:

Part 7. General Requirements

63A-20-701 . Duty of loyalty.

1520 The department, a digital wallet provider, a verifier, a relying party, and a digital

1521 guardian shall refrain from practices or activities related to the processing of an individual's

1522

1523 identity attributes from a digital identity that:

- 1524 (1) conflict with the best interests of an individual;
- 1525 (2) take advantage of or otherwise exploit an individual;
- 1526 (3) result in a disproportionate risk to an individual;
- 1527 (4) are to an individual's detriment; or
- 1528 (5) cause harm to an individual.

1529 Section 19. Section **63A-20-702** is enacted to read:

1530 **63A-20-702 . Processing restrictions.**

- 1531 (1) Any record of a presentation of a state digital identity may only be processed by a
- 1532 digital wallet provider, a verifier, or a relying party:
 - 1533 (a) for the primary purpose for which the presentation was performed; or
 - 1534 (b) if required by law.
- 1535 (2) Information provided by a holder, verifier, or relying party to a verifier or relying party
- 1536 in the course of a presentation may only be:
 - 1537 (a) processed for the primary purpose for which the holder disclosed the information; and
 - 1538 (b) used, retained, sold, or shared:
 - 1539 (i) following conspicuous notice to and express authorization by the holder; or
 - 1540 (ii) if required by law.

1541 Section 20. Section **63A-20-801** is enacted to read:

1542 **Part 8. Enforcement and Audit**

1543 **63A-20-801 . Complaints and enforcement.**

- 1544 (1) An individual may submit a complaint to the data privacy ombudsperson alleging a
- 1545 violation of this chapter by:
 - 1546 (a) the department;
 - 1547 (b) a digital wallet provider;
 - 1548 (c) a verifier; or
 - 1549 (d) a relying party.
- 1550 (2) The data privacy ombudsperson may receive and review a complaint described in
- 1551 Subsection (1).
- 1552 (3) If, after reviewing a complaint, the data privacy ombudsperson has reasonable cause to
- 1553 believe that a violation of this chapter has occurred, the data privacy ombudsperson may
- 1554 refer the complaint to the attorney general.
- 1555 (4) Upon receiving a referral under Subsection (3), or when the attorney general has
- 1556 reasonable cause to believe that a violation of this chapter has occurred, the attorney

- 1557 general is authorized to:
- 1558 (a) issue civil investigative demands for depositions, documents, and requests for
- 1559 information in the time and manner prescribed by the attorney general; and
- 1560 (b) bring a civil action in a court of competent jurisdiction to:
- 1561 (i) enjoin a violation of this chapter;
- 1562 (ii) obtain declaratory relief regarding compliance with this chapter; or
- 1563 (iii) recover damages, restitution, and disgorgement on behalf of an individual injured
- 1564 by a violation of this chapter.
- 1565 (5) The attorney general shall treat all information received in accordance with Subsection
- 1566 (4) as non-public and confidential unless confidentiality is waived by the providing
- 1567 party, or upon the filing of an enforcement action.
- 1568 (6) In an action brought under Subsection (4), the court may award:
- 1569 (a) injunctive relief;
- 1570 (b) declaratory relief;
- 1571 (c) equitable relief including restitution and disgorgement;
- 1572 (d) actual damages;
- 1573 (e) costs; and
- 1574 (f) reasonable attorney fees.
- 1575 Section 21. Section **63A-20-802** is enacted to read:
- 1576 **63A-20-802 . Auditing.**
- 1577 (1) Subject to prioritization of the Legislative Audit Subcommittee created in Section
- 1578 36-12-8, the Office of the Legislative Auditor General shall conduct an audit of the
- 1579 program beginning on January 1, 2028.
- 1580 (2) The audit shall evaluate:
- 1581 (a) the department's compliance with this chapter;
- 1582 (b) whether the department has met the restrictions on monitoring, surveillance, and
- 1583 tracking described in Section 63A-20-301;
- 1584 (c) the effectiveness of the program in meeting the objectives established in this chapter;
- 1585 (d) the appropriate long-term placement of the program within state government; and
- 1586 (e) recommended statutory changes to improve the program.
- 1587 (3) The Office of the Legislative Auditor General shall:
- 1588 (a) complete the audit report by October 31, 2028;
- 1589 (b) provide the audit report to the Legislature; and
- 1590 (c) present the audit findings to the Legislative Audit Subcommittee at the

1591 subcommittee's next meeting after completion of the audit report.

1592 Section 22. Section **63A-20-901** is enacted to read:

1593 **Part 9. Severability**

1594 **63A-20-901 . Severability.**

1595 (1) If any provision of this chapter or the application of any provision to any person or
 1596 circumstance is held invalid by a final decision of a court of competent jurisdiction, the
 1597 remainder of this chapter shall be given effect without the invalid provision or
 1598 application.

1599 (2) The provisions of this chapter are severable.

1600 Section 23. Section **63I-1-253** is amended to read:

1601 **63I-1-253 . Repeal dates: Titles 53 through 53G.**

1602 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is
 1603 repealed July 1, 2028.

1604 (2) Section 53-2a-105, Emergency Management Administration Council created --
 1605 Function -- Composition -- Expenses, is repealed July 1, 2029.

1606 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,
 1607 is repealed July 1, 2030.

1608 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is
 1609 repealed July 1, 2027.

1610 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.

1611 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --
 1612 Expenses, is repealed July 1, 2029.

1613 (7) Section 53-2d-503, Establishment of maximum rates, is repealed July 1, 2027.

1614 (8) Section 53-5a-302, Concealed Firearm Review Board -- Membership -- Compensation
 1615 -- Terms -- Duties, is repealed July 1, 2029.

1616 (9) Section 53-3-235, Electronic license certificate or identification card, is repealed
 1617 January 1, 2027.

1618 [~~(9)~~] (10) Section 53-11-104, Board, is repealed July 1, 2029.

1619 [~~(10)~~] (11) Title 53, Chapter 31, Department Interaction With Local Law Enforcement, is
 1620 repealed July 1, 2027.

1621 [~~(11)~~] (12) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the
 1622 Land Exchange Distribution Account to the Geological Survey for test wells and other
 1623 hydrologic studies in the West Desert, is repealed July 1, 2030.

1624 [~~(12)~~] (13) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections

- 1625 Council, is repealed July 1, 2027.
- 1626 [~~(13)~~] (14) Subsection 53E-2-304(6), regarding foreclosing a private right of action or
1627 waiver of governmental immunity, is repealed July 1, 2027.
- 1628 [~~(14)~~] (15) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is
1629 repealed July 1, 2027.
- 1630 [~~(15)~~] (16) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is
1631 repealed July 1, 2027.
- 1632 [~~(16)~~] (17) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed
1633 January 1, 2028.
- 1634 [~~(17)~~] (18) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 1635 [~~(18)~~] (19) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,
1636 is repealed July 1, 2033.
- 1637 [~~(19)~~] (20) Subsection 53E-7-207(7), regarding a private right of action or waiver of
1638 governmental immunity, is repealed July 1, 2027.
- 1639 [~~(20)~~] (21) Section 53F-5-215, Elementary teacher preparation assessment grant, is repealed
1640 July 1, 2028.
- 1641 [~~(21)~~] (22) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is
1642 repealed July 1, 2026.
- 1643 [~~(22)~~] (23) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July
1644 1, 2027.
- 1645 [~~(23)~~] (24) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is
1646 repealed January 1, 2025.
- 1647 [~~(24)~~] (25) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is
1648 repealed January 1, 2025.
- 1649 [~~(25)~~] (26) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1650 [~~(26)~~] (27) Subsection 53G-9-703(4), regarding the parental video presentation concerning
1651 student use of technology, is repealed January 1, 2030.
- 1652 [~~(27)~~] (28) Subsection 53H-1-402(1)(j), regarding the Higher Education and Corrections
1653 Council, is repealed July 1, 2027.
- 1654 [~~(28)~~] (29) Section 53H-1-604, Higher Education and Corrections Council, is repealed July
1655 1, 2027.
- 1656 [~~(29)~~] (30) Subsection 53H-4-210(3), regarding the creation of the SafeUT and School
1657 Safety Commission, is repealed January 1, 2030.
- 1658 [~~(30)~~] (31) Subsection 53H-4-210(4), regarding the appointment of the members of the

- 1659 SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1660 [(31)] (32) Subsection 53H-4-210(5), regarding the attorney general designating the chair of
1661 the SafeUT and School Safety Commission, is repealed January 1, 2030.
- 1662 [(32)] (33) Subsection 53H-4-210(6), regarding the quorum requirements of the SafeUT and
1663 School Safety Commission, is repealed January 1, 2030.
- 1664 [(33)] (34) Subsection 53H-4-210(7), regarding a formal action of the SafeUT and School
1665 Safety Commission, is repealed January 1, 2030.
- 1666 [(34)] (35) Subsection 53H-4-210(8), regarding compensation for members of the SafeUT
1667 and School Safety Commission, is repealed January 1, 2030.
- 1668 [(35)] (36) Subsection 53H-4-210(9), regarding the support staff for the SafeUT and School
1669 Safety Commission, is repealed January 1, 2030.
- 1670 [(36)] (37) Section 53H-4-306.1, Definitions -- Electrification of Transportation
1671 Infrastructure Research Center, is repealed July 1, 2028.
- 1672 [(37)] (38) Section 53H-4-306.2, Electrification of Transportation Infrastructure Research
1673 Center -- Designation -- Duties, is repealed July 1, 2028.
- 1674 [(38)] (39) Section 53H-4-306.3, Electrification of Transportation Infrastructure Research
1675 Center -- Steering committee, is repealed July 1, 2028.
- 1676 [(39)] (40) Section 53H-4-306.4, Electrification of Transportation Infrastructure Research
1677 Center -- Industry advisory board, is repealed July 1, 2028.
- 1678 [(40)] (41) Section 53H-4-306.5, Electrification of Transportation Infrastructure Research
1679 Center -- Duties of the project director, is repealed July 1, 2028.
- 1680 [(41)] (42) Section 53H-4-306.6, Electrification of Transportation Infrastructure Research
1681 Center -- Project development and strategic objectives -- Reporting requirements, is
1682 repealed July 1, 2028.
- 1683 [(42)] (43) Section 53H-4-307.1, Center for Civic Excellence, is repealed July 1, 2030.
- 1684 [(43)] (44) Section 53H-4-307.2, Center for Civic Excellence -- Duties -- Authority, is
1685 repealed July 1, 2030.
- 1686 [(44)] (45) Section 53H-4-307.3, Center for Civic Excellence -- Leadership, is repealed July
1687 1, 2030.
- 1688 [(45)] (46) Section 53H-4-307.4, Center for Civic Excellence -- Faculty, is repealed July 1,
1689 2030.
- 1690 [(46)] (47) Section 53H-4-307.5, Center for Civic Excellence -- Curriculum, is repealed July
1691 1, 2030.
- 1692 [(47)] (48) Section 53H-4-307.6, Center for Civic Excellence -- Oversight -- Reporting, is

1693 repealed July 1, 2030.
1694 [~~(48)~~] (49) Section 53H-4-313, Food Security Council, is repealed July 1, 2027.
1695 [~~(49)~~] (50) Section 53H-8-305, Five-year performance goals, is repealed July 1, 2027.
1696 [~~(50)~~] (51) Title 53H, Chapter 10, Part 4, Education Savings Incentive Program, is repealed
1697 July 1, 2028.
1698 Section 24. **Repealer.**
1699 This bill repeals:
1700 Section **63A-16-1201, Definitions.**
1701 Section **63A-16-1202, State digital identity policy.**
1702 Section **63A-16-1203, Department duties.**
1703 Section 25. **Effective Date.**
1704 This bill takes effect on May 6, 2026.