

1 **Revisor's Technical Corrections to Utah Code**
 2025 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Jefferson Moss
 Senate Sponsor: Kirk A. Cullimore

2
3 **LONG TITLE**

4 **General Description:**

5 This bill makes technical corrections to the Utah Code.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ modifies parts of the Utah Code to make technical corrections, including:
 - 9 • eliminating or correcting references involving repealed provisions;
10 • eliminating redundant or obsolete language;
11 • making minor wording changes;12 • updating cross-references; and13 • correcting numbering and other errors;
- 14 ▸ amends the Sunset Act and the Repeal Dates by Title Act to repeal sunset and repeal dates
- 15 that have passed and taken effect; and
- 16 ▸ adds a coordination clause to subordinate changes in this bill that are in conflict with
- 17 other legislation during the 2025 General Session.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a coordination clause.

22 **Utah Code Sections Affected:**

23 AMENDS:

- 24 **4-41a-1001**, as last amended by Laws of Utah 2024, Chapters 217, 238 and 240
25 **9-9-104.6**, as last amended by Laws of Utah 2022, Chapter 24526 **15A-1-304**, as last amended by Laws of Utah 2024, Chapter 43127 **17-27a-1204**, as enacted by Laws of Utah 2024, Chapter 43128 **17B-2a-602**, as last amended by Laws of Utah 2023, Chapter 15

29 **17B-2a-1003**, as last amended by Laws of Utah 2023, Chapter 15
30 **26B-1-213**, as renumbered and amended by Laws of Utah 2022, Chapter 255
31 **26B-1-410**, as renumbered and amended by Laws of Utah 2023, Chapter 305
32 **26B-2-101**, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438
33 **26B-2-120**, as last amended by Laws of Utah 2024, Chapter 234
34 **26B-2-309**, as renumbered and amended by Laws of Utah 2023, Chapter 305
35 **26B-4-245**, as last amended by Laws of Utah 2024, Chapters 217, 240
36 **26B-5-331**, as last amended by Laws of Utah 2024, Chapter 299
37 **26B-6-201**, as last amended by Laws of Utah 2024, Chapter 364
38 **35A-8-302**, as last amended by Laws of Utah 2021, Chapter 339
39 **40-11-16**, as last amended by Laws of Utah 2024, Chapter 79
40 **53-2a-1102**, as last amended by Laws of Utah 2023, Chapters 34, 471
41 **53-2d-101**, as last amended by Laws of Utah 2024, Chapters 147, 438 and 506
42 **53E-3-301**, as last amended by Laws of Utah 2019, Chapters 186, 324
43 **53G-6-1004**, as last amended by Laws of Utah 2024, Chapter 524
44 **58-11a-102**, as last amended by Laws of Utah 2024, Chapter 479
45 **59-2-1804**, as last amended by Laws of Utah 2023, Chapter 354
46 **59-2-1901**, as last amended by Laws of Utah 2023, Chapters 329, 461
47 **59-12-102**, as last amended by Laws of Utah 2024, Chapter 274
48 **59-12-702**, as last amended by Laws of Utah 2024, Chapter 270
49 **63C-18-203**, as last amended by Laws of Utah 2024, Chapters 245, 250
50 **63G-3-503**, as enacted by Laws of Utah 2024, Chapter 178
51 **63I-1-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
52 **63I-1-241**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
53 **63I-1-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
54 **63I-1-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
55 **63I-1-267**, as last amended by Laws of Utah 2024, Chapter 385
56 **63I-2-204**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
57 **63I-2-207**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
58 **63I-2-209**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
59 **63I-2-213**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
60 **63I-2-219**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
61 **63I-2-223**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
62 **63I-2-226**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

- 63 **63I-2-232**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 64 **63I-2-235**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 65 **63I-2-236**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 66 **63I-2-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5
- 67 **63I-2-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 68 **63I-2-259**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 69 **63I-2-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 70 **63I-2-272**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 71 **63I-2-278**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 72 **63I-2-279**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 73 **63O-1-101**, as enacted by Laws of Utah 2024, Chapter 425
- 74 **65A-5-1**, as last amended by Laws of Utah 2024, Chapter 25
- 75 **67-22-2**, as last amended by Laws of Utah 2024, Chapter 522
- 76 **73-2-1.6**, as last amended by Laws of Utah 2024, Chapter 154
- 77 **73-10-18**, as last amended by Laws of Utah 2024, Chapter 522
- 78 **76-5-404.3**, as last amended by Laws of Utah 2024, Chapter 97
- 79 **77-11b-104**, as enacted by Laws of Utah 2023, Chapter 448
- 80 **77-11c-402**, as renumbered and amended by Laws of Utah 2023, Chapter 448
- 81 **77-36-1**, as last amended by Laws of Utah 2024, Chapter 366
- 82 **77-40a-303**, as last amended by Laws of Utah 2024, Chapter 180
- 83 **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 366
- 84 **78B-5-618**, as last amended by Laws of Utah 2024, Chapter 306
- 85 **78B-6-501**, as last amended by Laws of Utah 2024, Chapters 25, 350
- 86 **78B-7-805**, as last amended by Laws of Utah 2024, Chapter 240
- 87 **80-6-601**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 88 **80-7-105**, as renumbered and amended by Laws of Utah 2021, Chapter 261

89 **REPEALS:**

- 90 **26-29-2**, as last amended by Laws of Utah 2001, Chapter 73
- 91 **26-29-3**, as last amended by Laws of Utah 2022, Chapter 421
- 92 **26-29-4**, as last amended by Laws of Utah 2023, Chapter 369
- 93 **26B-1-305**, as enacted by Laws of Utah 2022, Chapter 255

94 **Utah Code Sections affected by Coordination Clause:**

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

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

98 **4-41a-1001 . Medical cannabis pharmacy -- License -- Eligibility.**

99 (1) A person may not:

100 (a) operate as a medical cannabis pharmacy without a license that the department issues
101 under this part;

102 (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the
103 person to exceed the pharmacy ownership limit;

104 (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the
105 partial ownership share would cause the person to exceed the pharmacy ownership
106 limit; or

107 (d) enter into any contract or agreement that allows the person to directly or indirectly
108 control the operations of a medical cannabis pharmacy if the person's control of the
109 medical cannabis pharmacy would cause the person to effectively exceed the
110 pharmacy ownership limit.

111 (2)(a)(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the department
112 shall issue a license to operate a medical cannabis pharmacy through the licensing
113 board created under Section 4-41a-201.1.

114 (ii) The department may not issue a license to operate a medical cannabis pharmacy
115 to an applicant who is not eligible for a license under this section.

116 (b) An applicant is eligible for a license under this section if the applicant submits to the
117 department:

118 (i) subject to Subsection (2)(c), a proposed name and address where the applicant will
119 operate the medical cannabis pharmacy;

120 (ii) the name and address of an individual who:

121 (A) for a publicly traded company, has a financial or voting interest of 10% or
122 greater in the proposed medical cannabis pharmacy;

123 (B) for a privately held company, a financial or voting interest in the proposed
124 medical cannabis pharmacy; or

125 (C) has the power to direct or cause the management or control of a proposed
126 medical cannabis pharmacy;

127 (iii) for each application that the applicant submits to the department, a statement
128 from the applicant that the applicant will obtain and maintain:

129 (A) a performance bond in the amount of \$100,000 issued by a surety authorized
130 to transact surety business in the state; or

- 131 (B) a liquid cash account in the amount of \$100,000 with a financial institution;
132 (iv) an operating plan that:
133 (A) complies with Section 4-41a-1004;
134 (B) includes operating procedures to comply with the operating requirements for a
135 medical cannabis pharmacy described in this part and with a relevant municipal
136 or county law that is consistent with Section 4-41a-1106; and
137 (C) the department approves;
138 (v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the
139 department sets in accordance with Section 63J-1-504; and
140 (vi) a description of any investigation or adverse action taken by any licensing
141 jurisdiction, government agency, law enforcement agency, or court in any state for
142 any violation or detrimental conduct in relation to any of the applicant's
143 cannabis-related operations or businesses.
- 144 (c)(i) A person may not locate a medical cannabis pharmacy:
145 (A) within 200 feet of a community location; or
146 (B) in or within 600 feet of a district that the relevant municipality or county has
147 zoned as primarily residential.
- 148 (ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured
149 from the nearest entrance to the medical cannabis pharmacy establishment by
150 following the shortest route of ordinary pedestrian travel to the property boundary
151 of the community location or residential area.
- 152 (iii) The department may grant a waiver to reduce the proximity requirements in
153 Subsection (2)(c)(i) by up to 20% if the department determines that it is not
154 reasonably feasible for the applicant to [e]te] site the proposed medical cannabis
155 pharmacy without the waiver.
- 156 (iv) An applicant for a license under this section shall provide evidence of
157 compliance with the proximity requirements described in Subsection (2)(c)(i).
- 158 (d) The department may not issue a license to an eligible applicant that the department
159 has selected to receive a license until the selected eligible applicant complies with the
160 bond or liquid cash requirement described in Subsection (2)(b)(iii).
- 161 (e) If the department receives more than one application for a medical cannabis
162 pharmacy within the same city or town, the department shall consult with the local
163 land use authority before approving any of the applications pertaining to that city or
164 town.

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

- 199 (b) after the third the same violation of this chapter in any of the licensee's licensed
200 cannabis production establishments or medical cannabis pharmacies;
- 201 (c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is
202 active, under state or federal law of:
203 (i) a felony; or
204 (ii) after December 3, 2018, a misdemeanor for drug distribution;
- 205 (d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at
206 the time of application, or fails to supplement the information described in
207 Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the
208 submission of the application within 14 calendar days after the licensee receives
209 notice of the investigation or adverse action;
- 210 (e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the
211 requirements of this chapter or the rules the department makes in accordance with
212 this chapter;
- 213 (f) if, after a change of ownership described in Subsection (11)(c), the department
214 determines that the medical cannabis pharmacy no longer meets the minimum
215 standards for licensure and operation of the medical cannabis pharmacy described in
216 this chapter; or
- 217 (g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in
218 accordance with Title 63G, Chapter 4, Administrative Procedures Act, the board
219 finds that the licensee has participated in anticompetitive business practices.
- 220 (7)(a) A person who receives a medical cannabis pharmacy license under this chapter, if
221 the municipality or county where the licensed medical cannabis pharmacy will be
222 located requires a local land use permit, shall submit to the department a copy of the
223 licensee's approved application for the land use permit within 120 days after the day
224 on which the department issues the license.
- 225 (b) If a licensee fails to submit to the department a copy the licensee's approved land use
226 permit application in accordance with Subsection (7)(a), the department may revoke
227 the licensee's license.
- 228 (8) The department shall deposit the proceeds of a fee imposed by this section into the
229 Qualified Production Enterprise Fund.
- 230 (9) The department shall begin accepting applications under this part on or before March 1,
231 2020.
- 232 (10)(a) The department's authority to issue a license under this section is plenary and is

- 233 not subject to review.
- 234 (b) Notwithstanding Subsection (2), the decision of the department to award a license to
 235 an applicant is not subject to:
- 236 (i) Title 63G, Chapter 6a, Part 16, Protests; or
 237 (ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
- 238 (11)(a) A medical cannabis pharmacy license is not transferrable or assignable.
- 239 (b) A medical cannabis pharmacy shall report in writing to the department no later than
 240 10 business days before the date of any change of ownership of the medical cannabis
 241 pharmacy.
- 242 (c) If the ownership of a medical cannabis pharmacy changes by 50% or more:
- 243 (i) concurrent with the report described in Subsection (11)(b), the medical cannabis
 244 pharmacy shall submit a new application described in Subsection (2)(b), subject to
 245 Subsection (2)(c);
- 246 (ii) within 30 days of the submission of the application, the department shall:
- 247 (A) conduct an application review; and
 248 (B) award a license to the medical cannabis pharmacy for the remainder of the
 249 term of the medical cannabis pharmacy's license before the ownership change
 250 if the medical cannabis pharmacy meets the minimum standards for licensure
 251 and operation of the medical cannabis pharmacy described in this chapter; and
- 252 (iii) if the department approves the license application, notwithstanding Subsection
 253 (3), the medical cannabis pharmacy shall pay a license fee that the department sets
 254 in accordance with Section 63J-1-504 in an amount that covers the department's
 255 cost of conducting the application review.

256 Section 2. Section **9-9-104.6** is amended to read:

257 **9-9-104.6 . Participation of state agencies in meetings with tribal leaders --**

258 **Contact information.**

- 259 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the
 260 division shall coordinate with representatives of tribal governments and the entities
 261 listed in Subsection (2) to provide for the broadest participation possible in the joint
 262 meetings.
- 263 (2) The following may participate in all meetings described in Subsection (1):
- 264 (a) the chairs of the Native American Legislative Liaison Committee created in Section
 265 36-22-1;
- 266 (b) the governor or the governor's designee;

- 267 ~~[(e)]~~ the American Indian-Alaska Native Health Liaison appointed in accordance with
268 Section 26B-1-305;]
- 269 ~~[(d)]~~ (c) the American Indian-Alaska Native Public Education Liaison appointed in
270 accordance with Section 53F-5-604; and
- 271 ~~[(e)]~~ (d) a representative appointed by the chief administrative officer of the following:
- 272 (i) the Department of Health and Human Services;
- 273 (ii) the Department of Natural Resources;
- 274 (iii) the Department of Workforce Services;
- 275 (iv) the Governor's Office of Economic Opportunity;
- 276 (v) the State Board of Education; and
- 277 (vi) the Utah Board of Higher Education.
- 278 (3)(a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
- 279 (i) designate the name of a contact person for that agency that can assist in
280 coordinating the efforts of state and tribal governments in meeting the needs of the
281 Native Americans residing in the state; and
- 282 (ii) notify the division:
- 283 (A) who is the designated contact person described in Subsection (3)(a)(i); and
- 284 (B) of any change in who is the designated contact person described in Subsection
285 (3)(a)(i).
- 286 (b) This Subsection (3) applies to:
- 287 (i) the Department of Agriculture and Food;
- 288 (ii) the Department of Cultural and Community Engagement;
- 289 (iii) the Department of Corrections;
- 290 (iv) the Department of Environmental Quality;
- 291 (v) the Department of Public Safety;
- 292 (vi) the Department of Transportation;
- 293 (vii) the Office of the Attorney General;
- 294 (viii) the State Tax Commission; and
- 295 (ix) any agency described in Subsections (2)(c) through ~~[(e)]~~ (d).
- 296 (c) At the request of the division, a contact person listed in Subsection ~~[(3)(b)]~~ (3)(a)(i)
297 may participate in a meeting described in Subsection (1).
- 298 (4)(a) A participant under this section who is not a legislator may not receive
299 compensation or benefits for the participant's service, but may receive per diem and
300 travel expenses as allowed in:

301 (i) Section 63A-3-106;
302 (ii) Section 63A-3-107; and
303 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
304 63A-3-107.

305 (b) Compensation and expenses of a participant who is a legislator are governed by
306 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
307 Expenses.

308 Section 3. Section **15A-1-304** is amended to read:

309 **15A-1-304 . Modular units.**

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

312 (1) Construction, installation, and setup of a modular unit, module, or panelized system
313 shall be in accordance with the State Construction Code.

314 (2) A local regulator has the responsibility and exclusive authority to:

315 (a) review and approve the elements of construction documents related to onsite
316 construction;

317 (b) issue a permit for construction of a modular building unit or a modular building unit
318 site modification;

319 (c) perform an inspection of onsite construction of a modular building unit or modular
320 building unit site modification;

321 (d) verify that a module or panelized system is installed in accordance with:

322 (i) the modular unit's construction documents;

323 (ii) the State Construction Code; and

324 (iii) applicable state and local requirements;

325 (e) verify that a decal has been permanently affixed to a modular building unit;

326 (f) subject to Subsection (3), establish and assess fees related to the construction and
327 installation of modular units;

328 (g) upon discovery of visible damage to a module or panelized system, or discovery of
329 evidence that would cause a reasonable inspector to believe that a modular building
330 unit may not be in compliance with the State Construction Code or construction
331 documents:

332 (i) inform the Division of Facilities Construction and Management; and

333 (ii) proceed in accordance with the guidance in Modular Building Institute Standards
334 1200 and 1205;

- 335 (h) approve any proposed alteration or change to a set of construction documents so long
336 as the alteration or change complies with the requirements of this chapter;
- 337 (i) inspect any alteration to a modular unit or panelized system that occurred after
338 installation;
- 339 (j) notwithstanding any other provision of state law, the construction code and standards,
340 agency rule, or local ordinance:
- 341 (i) prevent the use or occupancy of a modular building unit that, in the opinion of the
342 local regulator, contains a serious defect or presents an imminent safety hazard;
343 and
- 344 (ii) report the prevention of use or occupancy of a modular building unit to the
345 Division of Facilities Construction and Management and the division; and
- 346 (k) perform all other duties and responsibilities set forth in the Modular Building
347 Institute Standards 1200 and 1205 not otherwise listed in this section.
- 348 (3) Fees related to the construction and installation of modular building units may include
349 building permit fees, inspection fees, impact fees, and administrative fees.
- 350 (4)(a) In addition to any immunity and protections set forth in the Utah Governmental
351 Immunity Act, a municipality [~~shall not be~~] is not liable for a claim arising solely
352 from the offsite construction of a module, panelized system, or modular building unit.
- 353 (b) A local regulator may provide written notice with the certificate of occupancy that
354 explains the municipality's limitations of liability pursuant to this section and the
355 Utah Governmental Immunity Act.
- 356 (5) An inspection of the construction, modification of, or setup of a modular unit shall
357 conform with this chapter.
- 358 (6) A local regulator has the responsibility to issue an approval for the political subdivision
359 in which a modular unit is to be setup or is setup.
- 360 (7) Nothing in this section precludes:
- 361 (a) a local regulator from contracting with a qualified third party to act as its designee
362 for the inspection or plan review provided in this section; or
- 363 (b) the state from entering into an interstate compact for third party inspection of the
364 construction of a modular unit.
- 365 Section 4. Section **17-27a-1204** is amended to read:
- 366 **17-27a-1204 . Notification prior to creation of a home ownership promotion zone.**
- 367 (1)(a) As used in this section, "hearing" means a public meeting in which the legislative
368 body of a county:

- 369 (i) considers a resolution creating a home ownership promotion zone; and
370 (ii) takes public comment on a proposed home ownership promotion zone.
- 371 (b) A hearing under this section may be combined with any other public meeting of a
372 legislative body of a county.
- 373 (2) Before a county creates a home ownership promotion zone as described in Section [
374 ~~17-27a-1002~~] 17-27a-1202, it shall provide notice of a hearing as described in this
375 section.
- 376 (3) The notice required by Subsection (2) shall be given by:
- 377 (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at
378 least 14 days before the day on which the legislative body of the county intends to
379 have a hearing;
- 380 (b) at least 30 days before the hearing, mailing notice to:
- 381 (i) each record owner of property located within the proposed home ownership
382 promotion zone;
- 383 (ii) the State Tax Commission; and
- 384 (iii)(A) if the proposed home ownership promotion zone is subject to a taxing
385 entity committee, each member of the taxing entity committee and the State
386 Board of Education; or
- 387 (B) if the proposed home ownership promotion zone is not subject to a taxing
388 entity committee, the legislative body or governing board of each taxing entity
389 within the boundaries of the proposed home ownership promotion zone.
- 390 (4) The mailing of the notice to record property owners required under Subsection (3)(b)
391 shall be conclusively considered to have been properly completed if:
- 392 (a) the county mails the notice to the property owners as shown in the records, including
393 an electronic database, of the county recorder's office and at the addresses shown in
394 those records; and
- 395 (b) the county recorder's office records used by the agency in identifying owners to
396 whom the notice is mailed and their addresses were obtained or accessed from the
397 county recorder's office no earlier than 30 days before the mailing.
- 398 (5) The county shall include in each notice required under this section:
- 399 (a)(i) a boundary description of the proposed home ownership promotion zone; or
400 (ii)(A) a mailing address or telephone number where a person may request that a
401 copy of the boundary description of the proposed home ownership promotion
402 zone be sent at no cost to the person by mail, email, or facsimile transmission;

- 403 and
- 404 (B) if the agency or community has an Internet website, an Internet address where
- 405 a person may gain access to an electronic, printable copy of the boundary
- 406 description of the proposed home ownership promotion zone;
- 407 (b) a map of the boundaries of the proposed home ownership promotion zone;
- 408 (c) an explanation of the purpose of the hearing; and
- 409 (d) a statement of the date, time, and location of the hearing.
- 410 (6) The county shall include in each notice under Subsection (3)(b):
- 411 (a) a statement that property tax revenue resulting from an increase in valuation of
- 412 property within the proposed home ownership promotion zone will be paid to the
- 413 county for proposed home ownership promotion zone development rather than to the
- 414 taxing entity to which the tax revenue would otherwise have been paid; and
- 415 (b) an invitation to the recipient of the notice to submit to the county comments
- 416 concerning the subject matter of the hearing before the date of the hearing.
- 417 (7) A county may include in a notice under Subsection (2) any other information the county
- 418 considers necessary or advisable, including the public purpose achieved by the proposed
- 419 home ownership promotion zone.

420 Section 5. Section **17B-2a-602** is amended to read:

421 **17B-2a-602 . Provisions applicable to metropolitan water districts.**

- 422 (1) Each metropolitan water district is governed by and has the powers stated in:
- 423 (a) this part; and
- 424 (b) Chapter 1, Provisions Applicable to All Special Districts.
- 425 (2) This part applies only to metropolitan water districts.
- 426 (3) A metropolitan water district is not subject to the provisions of any other part of this
- 427 chapter.
- 428 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
- 429 Special Districts, and a provision in this part, the provision in this part governs.
- 430 [~~(5) Before September 30, 2019, a metropolitan water district shall submit a written report~~
- 431 ~~to the Revenue and Taxation Interim Committee that describes, for the metropolitan~~
- 432 ~~water district's fiscal year that ended in 2018, the percentage and amount of revenue in~~
- 433 ~~the metropolitan water district from:]~~
- 434 [~~(a) property taxes;~~
- 435 [~~(b) water rates; and~~
- 436 [~~(c) all other sources.]~~

437 Section 6. Section **17B-2a-1003** is amended to read:

438 **17B-2a-1003 . Provisions applicable to water conservancy districts.**

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

440 (a) this part; and

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

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

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

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

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

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

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

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

454 Section 7. Section **26B-1-213** is amended to read:

455 **26B-1-213 . Department and committee rules and proceedings.**

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

460 (b) If the adoption of rules under a provision of this title is subject to concurrence
461 between the department and a committee created under this title and no concurrence
462 can be reached, the department has final authority to adopt, amend, or rescind rules
463 necessary to carry out the provisions of this title.

464 (c) When the provisions of this title require concurrence between the department and a
465 committee created under this title:

466 (i) the department shall report to and update the committee on a regular basis related
467 to matters requiring concurrence; and

468 (ii) the committee shall review the report submitted by the department under this
469 Subsection (1)(c) and shall:

470 (A) concur with the report; or

- 471 (B) provide a reason for not concurring with the report and provide an alternative
472 recommendation to the department.
- 473 (2) Rules shall have the force and effect of law and may deal with matters which materially
474 affect the security of health or the preservation and improvement of public health in the
475 state, and any matters as to which jurisdiction is conferred upon the department by this
476 title.
- 477 (3) Every rule adopted by the department, or [-]by the concurrence of the department and a
478 committee established under Section 26B-1-204, is subject to Title 63G, Chapter 3, Utah
479 Administrative Rulemaking Act, and is effective at the time and in the manner provided
480 in that act.
- 481 (4) If, at the next general session of the Legislature following the filing of a rule with the
482 legislative research director, the Legislature passes a bill disapproving such rule, the rule
483 shall be null and void.
- 484 (5) The department, or the department in concurrence with a committee created under
485 Section 26B-1-204, may not adopt a rule identical to a rule disapproved under
486 Subsection (4) of this section before the beginning of the next general session of the
487 Legislature following the general session at which the rule was disapproved.
- 488 (6) The department and all committees, boards, divisions, and offices created under this title[;
489 ~~Title 26, Utah Health Code, or Title 62A, Utah Human Services Code,~~] shall comply
490 with the procedures and requirements of Title 63G, Chapter 4, Administrative
491 Procedures Act, in any adjudicative proceedings.
- 492 (7)(a) The department may hold hearings, administer oaths, subpoena witnesses, and
493 take testimony in matters relating to the exercise and performance of the powers and
494 duties vested in or imposed upon the department.
- 495 (b) The department may, at the department's sole discretion, contract with any other
496 agency or department of the state to conduct hearings in the name of the department.
- 497 Section 8. Section **26B-1-410** is amended to read:
- 498 **26B-1-410 . Primary Care Grant Committee.**
- 499 (1) As used in this section:
- 500 (a) "Committee" means the Primary Care Grant Committee created in Subsection (2).
501 (b) "Program" means the Primary Care Grant Program described in Sections 26B-4-310
502 and 26B-4-313.
- 503 (2) There is created the Primary Care Grant Committee.
- 504 (3) The committee shall:

- 505 (a) review grant applications forwarded to the committee by the department under
 506 Subsection 26B-4-312(1);
- 507 (b) recommend, to the executive director, grant applications to award under Subsection
 508 26B-4-310(1);
- 509 (c) evaluate:
- 510 (i) the need for primary health care as defined in Section [~~26B-4-325~~] 26B-4-301 in
 511 different areas of the state;
- 512 (ii) how the program is addressing those needs; and
- 513 (iii) the overall effectiveness and efficiency of the program;
- 514 (d) review annual reports from primary care grant recipients;
- 515 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by
 516 a majority of committee members; and
- 517 (f) make rules, with the concurrence of the department, in accordance with Title 63G,
 518 Chapter 3, Utah Administrative Rulemaking Act, that govern the committee,
 519 including the committee's grant selection criteria.
- 520 (4) The committee shall consist of:
- 521 (a) as chair, the executive director or an individual designated by the executive director;
 522 and
- 523 (b) six members appointed by the governor to serve up to two consecutive, two-year
 524 terms of office, including:
- 525 (i) four licensed health care professionals; and
- 526 (ii) two community advocates who are familiar with a medically underserved
 527 population as defined in Section [~~26B-4-325~~] 26B-4-301 and with health care
 528 systems, where at least one is familiar with a rural medically underserved
 529 population.
- 530 (5) The executive director may remove a committee member:
- 531 (a) if the member is unable or unwilling to carry out the member's assigned
 532 responsibilities; or
- 533 (b) for a rational reason.
- 534 (6) A committee member may not receive compensation or benefits for the member's
 535 service, except a committee member who is not an employee of the department may
 536 receive per diem and travel expenses in accordance with:
- 537 (a) Section 63A-3-106;
- 538 (b) Section 63A-3-107; and

539 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
540 63A-3-107.

541 Section 9. Section **26B-2-101** is amended to read:

542 **26B-2-101 . Definitions.**

543 As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

562 (C) a board of an organization operating under a contract to provide mental health
563 or substance use programs, or services for the local mental health authority or
564 substance abuse authority; or

565 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
566 supervised at all times.

567 (5)(a) "Boarding school" means a private school that:

568 (i) uses a regionally accredited education program;

569 (ii) provides a residence to the school's students:

570 (A) for the purpose of enabling the school's students to attend classes at the
571 school; and

572 (B) as an ancillary service to educating the students at the school;

- 573 (iii) has the primary purpose of providing the school's students with an education, as
574 defined in Subsection (5)(b)(i); and
- 575 (iv)(A) does not provide the treatment or services described in Subsection (40)(a);
576 or
- 577 (B) provides the treatment or services described in Subsection (40)(a) on a limited
578 basis, as described in Subsection (5)(b)(ii).
- 579 (b)(i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
580 one or more grades from kindergarten through grade 12.
- 581 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment
582 or services described in Subsection (40)(a) on a limited basis if:
- 583 (A) the treatment or services described in Subsection (40)(a) are provided only as
584 an incidental service to a student; and
- 585 (B) the school does not:
- 586 (I) specifically solicit a student for the purpose of providing the treatment or
587 services described in Subsection (40)(a); or
- 588 (II) have a primary purpose of providing the treatment or services described in
589 Subsection (40)(a).
- 590 (c) "Boarding school" does not include a therapeutic school.
- 591 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 592 (7) "Child" means an individual under 18 years old.
- 593 (8) "Child placing" means receiving, accepting, or providing custody or care for any child,
594 temporarily or permanently, for the purpose of:
- 595 (a) finding a person to adopt the child;
- 596 (b) placing the child in a home for adoption; or
- 597 (c) foster home placement.
- 598 (9) "Child-placing agency" means a person that engages in child placing.
- 599 (10) "Client" means an individual who receives or has received services from a licensee.
- 600 (11)(a) "Congregate care program" means any of the following that provide services to a
601 child:
- 602 (i) an outdoor youth program;
- 603 (ii) a residential support program;
- 604 (iii) a residential treatment program; or
- 605 (iv) a therapeutic school.
- 606 (b) "Congregate care program" does not include a human services program that:

- 607 (i) is licensed to serve adults; and
608 (ii) is approved by the office to service a child for a limited time.
- 609 (12) "Day treatment" means specialized treatment that is provided to:
610 (a) a client less than 24 hours a day; and
611 (b) four or more persons who:
612 (i) are unrelated to the owner or provider; and
613 (ii) have emotional, psychological, developmental, physical, or behavioral
614 dysfunctions, impairments, or chemical dependencies.
- 615 (13) "Department contractor" means an individual who:
616 (a) provides services under a contract with the department; and
617 (b) due to the contract with the department, has or will likely have direct access to a
618 child or vulnerable adult.
- 619 (14) "Direct access" means that an individual has, or likely will have:
620 (a) contact with or access to a child or vulnerable adult that provides the individual with
621 an opportunity for personal communication or touch; or
622 (b) an opportunity to view medical, financial, or other confidential personal identifying
623 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 624 (15) "Directly supervised" means that an individual is being supervised under the
625 uninterrupted visual and auditory surveillance of another individual who has a current
626 background check approval issued by the office.
- 627 (16) "Director" means the director of the office.
- 628 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 629 (18) "Domestic violence treatment program" means a nonresidential program designed to
630 provide psychological treatment and educational services to perpetrators and victims of
631 domestic violence.
- 632 (19) "Elder adult" means a person 65 years old or older.
- 633 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from
634 being physically injured, utilized by an appropriately trained direct care staff and only
635 performed in accordance with a nationally or regionally recognized curriculum in the
636 least restrictive manner to restore staff or client safety.
- 637 (21) "Foster home" means a residence that is licensed or certified by the office for the
638 full-time substitute care of a child.
- 639 [~~(22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.~~]
640 [~~(23)~~ (22) "Health care provider" means the same as that term is defined in Section

641 78B-3-403.

642 [~~(24)~~] "Health insurer" means the same as that term is defined in Section 31A-22-615.5.]

643 [~~(25)~~] (23)(a) "Human services program" means:

644 (i) a foster home;

645 (ii) a therapeutic school;

646 (iii) a youth program;

647 (iv) an outdoor youth program;

648 (v) a residential treatment program;

649 (vi) a residential support program;

650 (vii) a resource family home;

651 (viii) a recovery residence; or

652 (ix) a facility or program that provides:

653 (A) adult day care;

654 (B) day treatment;

655 (C) outpatient treatment;

656 (D) domestic violence treatment;

657 (E) child-placing services;

658 (F) social detoxification; or

659 (G) any other human services that are required by contract with the department to
660 be licensed with the department.

661 (b) "Human services program" does not include:

662 (i) a boarding school;

663 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102;

664 or

665 (iii) a short-term relief care provider.

666 [~~(26)~~] (24) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

667 [~~(27)~~] (25) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.

668 [~~(28)~~] (26) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

669 [~~(29)~~] (27) "Intermediate secure treatment" means 24-hour specialized residential treatment
670 or care for an individual who:

671 (a) cannot live independently or in a less restrictive environment; and

672 (b) requires, without the individual's consent or control, the use of locked doors to care
673 for the individual.

674 [~~(30)~~] (28) "Licensee" means an individual or a human services program licensed by the

- 675 office.
- 676 [(31)] (29) "Local government" means a city, town, or county.
- 677 [(32)] (30) "Minor" means child.
- 678 [(33)] (31) "Office" means the Office of Licensing within the department.
- 679 [(34)] (32) "Outdoor youth program" means a program that provides:
- 680 (a) services to a child that has:
- 681 (i) a chemical dependency; or
- 682 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 683 physical, or behavioral;
- 684 (b) a 24-hour outdoor group living environment; and
- 685 (c)(i) regular therapy, including group, individual, or supportive family therapy; or
- 686 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 687 therapy, or outdoor behavioral healthcare.
- 688 [(35)] (33) "Outpatient treatment" means individual, family, or group therapy or counseling
- 689 designed to improve and enhance social or psychological functioning for those whose
- 690 physical and emotional status allows them to continue functioning in their usual living
- 691 environment.
- 692 [(36)] (34) "Practice group" or "group practice" means two or more health care providers
- 693 legally organized as a partnership, professional corporation, or similar association, for
- 694 which:
- 695 (a) substantially all of the services of the health care providers who are members of the
- 696 group are provided through the group and are billed in the name of the group and
- 697 amounts received are treated as receipts of the group; and
- 698 (b) the overhead expenses of and the income from the practice are distributed in
- 699 accordance with methods previously determined by members of the group.
- 700 [(37)] (35) "Private-placement child" means a child whose parent or guardian enters into a
- 701 contract with a congregate care program for the child to receive services.
- 702 [(38)] (36)(a) "Recovery residence" means a home, residence, or facility that meets at
- 703 least two of the following requirements:
- 704 (i) provides a supervised living environment for individuals recovering from a
- 705 substance use disorder;
- 706 (ii) provides a living environment in which more than half of the individuals in the
- 707 residence are recovering from a substance use disorder;
- 708 (iii) provides or arranges for residents to receive services related to the resident's

- 709 recovery from a substance use disorder, either on or off site;
- 710 (iv) is held out as a living environment in which individuals recovering from
- 711 substance abuse disorders live together to encourage continued sobriety; or
- 712 (v)(A) receives public funding; or
- 713 (B) is run as a business venture, either for-profit or not-for-profit.
- 714 (b) "Recovery residence" does not mean:
- 715 (i) a residential treatment program;
- 716 (ii) residential support program; or
- 717 (iii) a home, residence, or facility, in which:
- 718 (A) residents, by a majority vote of the residents, establish, implement, and
- 719 enforce policies governing the living environment, including the manner in
- 720 which applications for residence are approved and the manner in which
- 721 residents are expelled;
- 722 (B) residents equitably share rent and housing-related expenses; and
- 723 (C) a landlord, owner, or operator does not receive compensation, other than fair
- 724 market rental income, for establishing, implementing, or enforcing policies
- 725 governing the living environment.
- 726 ~~[(39)]~~ (37) "Regular business hours" means:
- 727 (a) the hours during which services of any kind are provided to a client; or
- 728 (b) the hours during which a client is present at the facility of a licensee.
- 729 ~~[(40)]~~ (38)(a) "Residential support program" means a program that arranges for or
- 730 provides the necessities of life as a protective service to individuals or families who
- 731 have a disability or who are experiencing a dislocation or emergency that prevents
- 732 them from providing these services for themselves or their families.
- 733 (b) "Residential support program" includes a program that provides a supervised living
- 734 environment for individuals with dysfunctions or impairments that are:
- 735 (i) emotional;
- 736 (ii) psychological;
- 737 (iii) developmental; or
- 738 (iv) behavioral.
- 739 (c) Treatment is not a necessary component of a residential support program.
- 740 (d) "Residential support program" does not include:
- 741 (i) a recovery residence; or
- 742 (ii) a program that provides residential services that are performed:

743 (A) exclusively under contract with the department and provided to individuals
744 through the Division of Services for People with Disabilities; or

745 (B) in a facility that serves fewer than four individuals.

746 [(41)] (39)(a) "Residential treatment" means a 24-hour group living environment for four
747 or more individuals unrelated to the owner or provider that offers room or board and
748 specialized treatment, behavior modification, rehabilitation, discipline, emotional
749 growth, or habilitation services for persons with emotional, psychological,
750 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

751 (b) "Residential treatment" does not include a:

752 (i) boarding school;

753 (ii) foster home; or

754 (iii) recovery residence.

755 [(42)] (40) "Residential treatment program" means a program or facility that provides:

756 (a) residential treatment; or

757 (b) intermediate secure treatment.

758 [(43)] (41) "Seclusion" means the involuntary confinement of an individual in a room or an
759 area:

760 (a) away from the individual's peers; and

761 (b) in a manner that physically prevents the individual from leaving the room or area.

762 [(44)] (42) "Short-term relief care provider" means an individual who:

763 (a) provides short-term and temporary relief care to a foster parent:

764 (i) for less than six consecutive nights; and

765 (ii) in the short-term relief care provider's home;

766 (b) is an immediate family member or relative, as those terms are defined in Section
767 80-3-102, of the foster parent;

768 (c) is direct access qualified, as that term is defined in Section 26B-2-120;

769 (d) has been approved to provide short-term relief care by the department;

770 (e) is not reimbursed by the department for the temporary relief care provided; and

771 (f) is not an immediate family member or relative, as those terms are defined in Section
772 80-3-102, of the foster child.

773 [(45)] (43) "Social detoxification" means short-term residential services for persons who are
774 experiencing or have recently experienced drug or alcohol intoxication, that are provided
775 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
776 Inspection, and that include:

- 777 (a) room and board for persons who are unrelated to the owner or manager of the facility;
778 (b) specialized rehabilitation to acquire sobriety; and
779 (c) aftercare services.

780 [(46)] (44) "Substance abuse disorder" or "substance use disorder" mean the same as
781 "substance use disorder" is defined in Section 26B-5-501.

782 [(47)] (45) "Substance abuse treatment program" or "substance use disorder treatment
783 program" means a program:

784 (a) designed to provide:

- 785 (i) specialized drug or alcohol treatment;
786 (ii) rehabilitation; or
787 (iii) habilitation services; and

788 (b) that provides the treatment or services described in Subsection (47)(a) to persons
789 with:

- 790 (i) a diagnosed substance use disorder; or
791 (ii) chemical dependency disorder.

792 [(48)] (46) "Therapeutic school" means a residential group living facility:

793 (a) for four or more individuals that are not related to:

- 794 (i) the owner of the facility; or
795 (ii) the primary service provider of the facility;

796 (b) that serves students who have a history of failing to function:

- 797 (i) at home;
798 (ii) in a public school; or
799 (iii) in a nonresidential private school; and

800 (c) that offers:

801 (i) room and board; and

802 (ii) an academic education integrated with:

803 (A) specialized structure and supervision; or

804 (B) services or treatment related to:

- 805 (I) a disability;
806 (II) emotional development;
807 (III) behavioral development;
808 (IV) familial development; or
809 (V) social development.

810 [(49)] (47) "Unrelated persons" means persons other than parents, legal guardians,

811 grandparents, brothers, sisters, uncles, or aunts.

812 [~~(50)~~] (48) "Vulnerable adult" means an elder adult or an adult who has a temporary or
813 permanent mental or physical impairment that substantially affects the person's ability to:

814 (a) provide personal protection;

815 (b) provide necessities such as food, shelter, clothing, or mental or other health care;

816 (c) obtain services necessary for health, safety, or welfare;

817 (d) carry out the activities of daily living;

818 (e) manage the adult's own resources; or

819 (f) comprehend the nature and consequences of remaining in a situation of abuse,
820 neglect, or exploitation.

821 [~~(51)~~] (49)(a) "Youth program" means a program designed to provide behavioral,
822 substance use, or mental health services to minors that:

823 (i) serves adjudicated or nonadjudicated youth;

824 (ii) charges a fee for the program's services;

825 (iii) may provide host homes or other arrangements for overnight accommodation of
826 the youth;

827 (iv) may provide all or part of the program's services in the outdoors;

828 (v) may limit or censor access to parents or guardians; and

829 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
830 minor's own free will.

831 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
832 Scouts, 4-H, and other such organizations.

833 [~~(52)~~] (50)(a) "Youth transportation company" means any person that transports a child
834 for payment to or from a congregate care program in Utah.

835 (b) "Youth transportation company" does not include:

836 (i) a relative of the child;

837 (ii) a state agency; or

838 (iii) a congregate care program's employee who transports the child from the
839 congregate care program that employs the employee and returns the child to the
840 same congregate care program.

841 Section 10. Section **26B-2-120** is amended to read:

842 **26B-2-120 . Background check -- Direct access to children or vulnerable adults.**

843 (1) As used in this section:

844 (a)(i) "Applicant" means an individual who is associated with a certification,

- 845 contract, or licensee with the department under this part and has direct access,
846 including:
- 847 (A) an adoptive parent or prospective adoptive parent, including an applicant for
848 an adoption in accordance with Section 78B-6-128;
 - 849 (B) a foster parent or prospective foster parent;
 - 850 (C) an individual who provides respite care to a foster parent or an adoptive parent
851 on more than one occasion;
 - 852 (D) an individual who transports a child for a youth transportation company;
 - 853 (E) an individual who provides certified peer support, as defined in Section
854 26B-5-610;
 - 855 (F) an individual who provides peer supports, has a disability or a family member
856 with a disability, or is in recovery from a mental illness or a substance use
857 disorder;
 - 858 (G) an individual who has lived experience with the services provided by the
859 department, and uses that lived experience to provide support, guidance, or
860 services to promote resiliency and recovery;
 - 861 (H) an individual who is identified as a mental health professional, licensed under
862 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
863 the practice of mental health therapy, as defined in Section 58-60-102;
 - 864 (I) an individual, other than the child or vulnerable adult receiving the service,
865 who is 12 years old or older and resides in a home, that is licensed or certified
866 by the division;
 - 867 (J) an individual who is 12 years old or older and is associated with a certification,
868 contract, or licensee with the department under this part and has or will likely
869 have direct access;
 - 870 (K) a foster home licensee that submits an application for an annual background
871 screening as required by Subsection 26B-2-105(4)(d)(iii); or
 - 872 (L) a short-term relief care provider.
- 873 (ii) "Applicant" does not include:
- 874 (A) an individual who is in the custody of the Division of Child and Family
875 Services or the Division of Juvenile Justice and Youth Services;
 - 876 (B) an individual who applies for employment with, or is employed by, the
877 Department of Health and Human Services;
 - 878 (C) a parent of a person receiving services from the Division of Services for

- 879 People with Disabilities, if the parent provides direct care to and resides with
880 the person, including if the parent provides direct care to and resides with the
881 person pursuant to a court order; or
- 882 (D) an individual or a department contractor who provides services in an adults
883 only substance use disorder program, as defined by rule adopted by the
884 Department of Health and Human Services in accordance with Title 63G,
885 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
886 director or a member, as defined by Section 26B-2-105, of the program.
- 887 (b) "Application" means a background check application to the office.
- 888 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
889 Public Safety, created in Section 53-10-201.
- 890 (d) "Criminal finding" means a record of:
- 891 (i) an arrest for a criminal offense;
- 892 (ii) a warrant for a criminal arrest;
- 893 (iii) charges for a criminal offense; or
- 894 (iv) a criminal conviction.
- 895 (e) "Direct access" means that an individual has, or likely will have:
- 896 (i) contact with or access to a child or vulnerable adult by which the individual will
897 have the opportunity for personal communication or touch with the child or
898 vulnerable adult; or
- 899 (ii) an opportunity to view medical, financial, or other confidential personal
900 identifying information of the child, the child's parent or legal guardian, or the
901 vulnerable adult.
- 902 (f)(i) "Direct access qualified" means that the applicant has an eligible determination
903 by the office within the license and renewal time period; and
- 904 (ii) no more than 180 days have passed since the date on which the applicant's
905 association with a certification, contract, or licensee with the department expires.
- 906 (g) "Incidental care" means occasional care, not in excess of five hours per week and
907 never overnight, for a foster child.
- 908 (h) "Licensee" means an individual or a human services program licensed by the
909 division.
- 910 (i) "Non-criminal finding" means a record maintained in:
- 911 (i) the Division of Child and Family Services' Management Information System
912 described in Section 80-2-1001;

- 913 (ii) the Division of Child and Family Services' Licensing Information System
914 described in Section 80-2-1002;
- 915 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
916 exploitation database described in Section 26B-6-210;
- 917 (iv) juvenile court arrest, adjudication, and disposition records;
- 918 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77,
919 Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
920 offender registry; or
- 921 (vi) a state child abuse or neglect registry.
- 922 (j) "Office" means the Office of Background Processing within the department.
- 923 (k) "Personal identifying information" means:
- 924 (i) current name, former names, nicknames, and aliases;
- 925 (ii) date of birth;
- 926 (iii) physical address and email address;
- 927 (iv) telephone number;
- 928 (v) driver license or other government-issued identification;
- 929 (vi) social security number;
- 930 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
931 specified by the office; and
- 932 (viii) other information specified by the office by rule made in accordance with Title
933 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 934 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
935 following to the office:
- 936 (a) personal identifying information;
- 937 (b) a fee established by the office under Section 63J-1-504;
- 938 (c) a disclosure form, specified by the office, for consent for:
- 939 (i) an initial background check upon association with a certification, contract, or
940 licensee with the department;
- 941 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
942 certification, contract, or licensee with the department for 180 days;
- 943 (iii) a background check when the office determines that reasonable cause exists; and
- 944 (iv) retention of personal identifying information, including fingerprints, for
945 monitoring and notification as described in Subsections (3)(c) and (4);
- 946 (d) if an applicant resided outside of the United States and its territories during the five

- 947 years immediately preceding the day on which the information described in
948 Subsections (2)(a) through (c) is submitted to the office, documentation establishing
949 whether the applicant was convicted of a crime during the time that the applicant
950 resided outside of the United States or its territories; and
- 951 (e) an application showing an applicant's association with a certification, contract, or a
952 licensee with the department, for the purpose of the office tracking the direct access
953 qualified status of the applicant, which expires 180 days after the date on which the
954 applicant is no longer associated with a certification, contract, or a licensee with the
955 department.
- 956 (3) The office:
- 957 (a) shall perform the following duties as part of a background check of an applicant
958 before the office grants or denies direct access qualified status to an applicant:
- 959 (i) check state and regional criminal background databases for the applicant's
960 criminal history by:
- 961 (A) submitting personal identifying information to the bureau for a search; or
962 (B) using the applicant's personal identifying information to search state and
963 regional criminal background databases as authorized under Section 53-10-108;
- 964 (ii) submit the applicant's personal identifying information and fingerprints to the
965 bureau for a criminal history search of applicable national criminal background
966 databases;
- 967 (iii) search the Division of Child and Family Services' Licensing Information System
968 described in Section 80-2-1002;
- 969 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
970 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national
971 sex offender registry for an applicant 18 years old or older;
- 972 (v) if the applicant is associated with a licensee for a prospective foster or adoptive
973 parent, search the Division of Child and Family Services' Management
974 Information System described in Section 80-2-1001;
- 975 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
976 or exploitation database described in Section 26B-6-210;
- 977 (vii) search the juvenile court records for substantiated findings of severe child abuse
978 or neglect described in Section 80-3-404; and
- 979 (viii) search the juvenile court arrest, adjudication, and disposition records, as
980 provided under Section 78A-6-209;

- 981 (b) may conduct all or portions of a background check in connection with determining
982 whether an applicant is direct access qualified, as provided by rule, made by the
983 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
984 (i) for an annual renewal; or
985 (ii) when the office determines that reasonable cause exists;
- 986 (c) may submit an applicant's personal identifying information, including fingerprints, to
987 the bureau for checking, retaining, and monitoring of state and national criminal
988 background databases and for notifying the office of new criminal activity associated
989 with the applicant;
- 990 (d) shall track the status of an applicant under this section to ensure that the applicant is
991 not required to duplicate the submission of the applicant's fingerprints if the applicant
992 is associated with more than one certification, contract, or licensee with the
993 department;
- 994 (e) shall notify the bureau when a direct access qualified individual has not been
995 associated with a certification, contract, or licensee with the department for a period
996 of 180 days;
- 997 (f) shall adopt measures to strictly limit access to personal identifying information solely
998 to the individuals responsible for processing and entering the applications for
999 background checks and to protect the security of the personal identifying information
1000 the office reviews under this Subsection (3);
- 1001 (g) as necessary to comply with the federal requirement to check a state's child abuse
1002 and neglect registry regarding any applicant working in a congregate care program,
1003 shall:
- 1004 (i) search the Division of Child and Family Services' Licensing Information System
1005 described in Section 80-2-1002; and
1006 (ii) require the child abuse and neglect registry be checked in each state where an
1007 applicant resided at any time during the five years immediately preceding the day
1008 on which the application is submitted to the office; and
- 1009 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
1010 Rulemaking Act, to implement the provisions of this Subsection (3) relating to
1011 background checks.
- 1012 (4)(a) With the personal identifying information the office submits to the bureau under
1013 Subsection (3), the bureau shall check against state and regional criminal background
1014 databases for the applicant's criminal history.

- 1015 (b) With the personal identifying information and fingerprints the office submits to the
1016 bureau under Subsection (3), the bureau shall check against national criminal
1017 background databases for the applicant's criminal history.
- 1018 (c) Upon direction from the office, and with the personal identifying information and
1019 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 1020 (i) maintain a separate file of the fingerprints for search by future submissions to the
1021 local and regional criminal records databases, including latent prints; and
1022 (ii) monitor state and regional criminal background databases and identify criminal
1023 activity associated with the applicant.
- 1024 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
1025 Investigation Next Generation Identification System, to be retained in the Federal
1026 Bureau of Investigation Next Generation Identification System for the purpose of:
- 1027 (i) being searched by future submissions to the national criminal records databases,
1028 including the Federal Bureau of Investigation Next Generation Identification
1029 System and latent prints; and
1030 (ii) monitoring national criminal background databases and identifying criminal
1031 activity associated with the applicant.
- 1032 (e) The ~~[Bureau]~~ bureau shall notify and release to the office all information of criminal
1033 activity associated with the applicant.
- 1034 (f) Upon notice that an individual who has direct access qualified status will no longer
1035 be associated with a certification, contract, or licensee with the department, the
1036 bureau shall:
- 1037 (i) discard and destroy any retained fingerprints; and
1038 (ii) notify the Federal Bureau of Investigation when the license has expired or an
1039 individual's direct access to a child or a vulnerable adult has ceased, so that the
1040 Federal Bureau of Investigation will discard and destroy the retained fingerprints
1041 from the Federal Bureau of Investigation Next Generation Identification System.
- 1042 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
1043 qualified status to an applicant who, within three years from the date on which the
1044 office conducts the background check, was convicted of:
- 1045 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 1046 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
1047 cruelty to animals, or bestiality;
- 1048 (B) a violation of any pornography law, including sexual exploitation of a minor

- 1049 or aggravated sexual exploitation of a minor;
- 1050 (C) sexual solicitation or prostitution;
- 1051 (D) a violent offense committed in the presence of a child, as described in Section
- 1052 76-3-203.10;
- 1053 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 1054 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 1055 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 1056 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 1057 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 1058 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass
- 1059 Destruction;
- 1060 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
- 1061 Injunctions;
- 1062 (L) aggravated arson, as described in Section 76-6-103;
- 1063 (M) aggravated burglary, as described in Section 76-6-203;
- 1064 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;
- 1065 (O) aggravated robbery, as described in Section 76-6-302;
- 1066 (P) endangering persons in a human services program, as described in Section
- 1067 26B-2-113;
- 1068 (Q) failure to report, as described in Section 80-2-609;
- 1069 (R) identity fraud crime, as described in Section 76-6-1102;
- 1070 (S) leaving a child unattended in a motor vehicle, as described in Section
- 1071 76-10-2202;
- 1072 (T) riot, as described in Section 76-9-101;
- 1073 (U) sexual battery, as described in Section 76-9-702.1; or
- 1074 (V) threatening with or using a dangerous weapon in a fight or quarrel, as
- 1075 described in Section 76-10-506; or
- 1076 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
- 1077 in the state, would constitute a violation of an offense described in Subsection
- 1078 (5)(a)(i).
- 1079 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
- 1080 peer support provider or a mental health professional, if the applicant provides
- 1081 services in a program that serves only adults with a primary mental health
- 1082 diagnosis, with or without a co-occurring substance use disorder.

- 1083 (ii) The office shall conduct a comprehensive review of an applicant described in
1084 Subsection (5)(b)(i) in accordance with Subsection (7).
- 1085 (c) The office shall deny direct access qualified status to an applicant if the office finds
1086 that a court order prohibits the applicant from having direct access to a child or
1087 vulnerable adult.
- 1088 (6) The office shall conduct a comprehensive review of an applicant's background check if
1089 the applicant:
- 1090 (a) has a felony or class A misdemeanor conviction that is more than three years from
1091 the date on which the office conducts the background check, for an offense described
1092 in Subsection (5)(a);
- 1093 (b) has a felony charge or conviction that is no more than 10 years from the date on
1094 which the office conducts the background check for an offense not described in
1095 Subsection (5)(a);
- 1096 (c) has a felony charge or conviction that is more than 10 years from the date on which
1097 the office conducts the background check, for an offense not described in Subsection
1098 (5)(a), with criminal or non-criminal findings after the date of the felony charge or
1099 conviction;
- 1100 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than
1101 three years and no more than 10 years from the date on which the office conducts the
1102 background check for an offense described in Subsection (5)(a);
- 1103 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
1104 years from the date on which the office conducts the background check, for an
1105 offense described in Subsection (5)(a), with criminal or non-criminal findings after
1106 the date of conviction;
- 1107 (f) has a misdemeanor charge or conviction that is no more than three years from the
1108 date on which the office conducts the background check for an offense not described
1109 in Subsection (5)(a);
- 1110 (g) has a misdemeanor charge or conviction that is more than three years from the date
1111 on which the office conducts the background check, for an offense not described in
1112 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or
1113 conviction;
- 1114 (h) is currently subject to a plea in abeyance or diversion agreement for an offense
1115 described in Subsection (5)(a);
- 1116 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title

- 1117 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
1118 offender registry;
- 1119 (j) has a record of an adjudication in juvenile court for an act that, if committed by an
1120 adult, would be a felony or misdemeanor, if the applicant is:
- 1121 (i) under 28 years old; or
- 1122 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
1123 currently subject to a plea in abeyance or diversion agreement for a felony or a
1124 misdemeanor offense described in Subsection (5)(a);
- 1125 (k) has a pending charge for an offense described in Subsection (5)(a);
- 1126 (l) has a listing that occurred no more than 15 years from the date on which the office
1127 conducts the background check in the Division of Child and Family Services'
1128 Licensing Information System described in Section 80-2-1002;
- 1129 (m) has a listing that occurred more than 15 years from the date on which the office
1130 conducts the background check in the Division of Child and Family Services'
1131 Licensing Information System described in Section 80-2-1002, with criminal or
1132 non-criminal findings after the date of the listing;
- 1133 (n) has a listing that occurred no more than 15 years from the date on which the office
1134 conducts the background check in the Division of Aging and Adult Services'
1135 vulnerable adult abuse, neglect, or exploitation database described in Section
1136 26B-6-210;
- 1137 (o) has a listing that occurred more than 15 years from the date on which the office
1138 conducts the background check in the Division of Aging and Adult Services'
1139 vulnerable adult abuse, neglect, or exploitation database described in Section
1140 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 1141 (p) has a substantiated finding that occurred no more than 15 years from the date on
1142 which the office conducts the background check of severe child abuse or neglect
1143 under Section 80-3-404 or 80-3-504[-]; or
- 1144 (q) has a substantiated finding that occurred more than 15 years from the date on which
1145 the office conducts the background check of severe child abuse or neglect under
1146 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of
1147 the listing.
- 1148 (7)(a) The comprehensive review shall include an examination of:
- 1149 (i) the date of the offense or incident;
- 1150 (ii) the nature and seriousness of the offense or incident;

- 1151 (iii) the circumstances under which the offense or incident occurred;
- 1152 (iv) the age of the perpetrator when the offense or incident occurred;
- 1153 (v) whether the offense or incident was an isolated or repeated incident;
- 1154 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
- 1155 adult, including:
- 1156 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 1157 (B) sexual abuse;
- 1158 (C) sexual exploitation; or
- 1159 (D) negligent treatment;
- 1160 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
- 1161 treatment received, or additional academic or vocational schooling completed;
- 1162 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
- 1163 which the applicant is applying; and
- 1164 (ix) if the background check of an applicant is being conducted for the purpose of
- 1165 giving direct access qualified status to an applicant seeking a position in a
- 1166 congregate care program or to become a prospective foster or adoptive parent, any
- 1167 listing in the Division of Child and Family Services' Management Information
- 1168 System described in Section 80-2-1001.
- 1169 (b) At the conclusion of the comprehensive review, the office shall deny direct access
- 1170 qualified status to an applicant if the office finds the approval would likely create a
- 1171 risk of harm to a child or vulnerable adult.
- 1172 (8) The office shall grant direct access qualified status to an applicant who is not denied
- 1173 under this section.
- 1174 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
- 1175 for a maximum of 60 days after the day on which the office sends written notice,
- 1176 without requiring that the applicant be directly supervised, if the office:
- 1177 (i) is awaiting the results of the criminal history search of national criminal
- 1178 background databases; and
- 1179 (ii) would otherwise grant direct access qualified status to the applicant under this
- 1180 section.
- 1181 (b) The office may conditionally grant direct access qualified status to an applicant, for a
- 1182 maximum of one year after the day on which the office sends written notice, without
- 1183 requiring that the applicant be directly supervised if the office:
- 1184 (i) is awaiting the results of an out-of-state registry for providers other than foster and

- 1185 adoptive parents; and
- 1186 (ii) would otherwise grant direct access qualified status to the applicant under this
1187 section.
- 1188 (c) Upon receiving the results of the criminal history search of a national criminal
1189 background database, the office shall grant or deny direct access qualified status to
1190 the applicant in accordance with this section.
- 1191 (10)(a) Each time an applicant is associated with a licensee, the department shall review
1192 the current status of the applicant's background check to ensure the applicant is still
1193 eligible for direct access qualified status in accordance with this section.
- 1194 (b) A licensee may not permit an individual to have direct access to a child or a
1195 vulnerable adult without being directly supervised unless:
- 1196 (i) the individual is the parent or guardian of the child, or the guardian of the
1197 vulnerable adult;
- 1198 (ii) the individual is approved by the parent or guardian of the child, or the guardian
1199 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 1200 (iii) the individual is only permitted to have direct access to a vulnerable adult who
1201 voluntarily invites the individual to visit; or
- 1202 (iv) the individual only provides incidental care for a foster child on behalf of a foster
1203 parent who has used reasonable and prudent judgment to select the individual to
1204 provide the incidental care for the foster child.
- 1205 (c) Notwithstanding any other provision of this section, an applicant who is denied direct
1206 access qualified status shall not have direct access to a child or vulnerable adult
1207 unless the office grants direct access qualified status to the applicant through a
1208 subsequent application in accordance with this section.
- 1209 (11) If the office denies direct access qualified status to an applicant, the applicant may
1210 request a hearing in the department's Office of Administrative Hearings to challenge the
1211 office's decision.
- 1212 (12)(a) This Subsection (12) applies to an applicant associated with a certification,
1213 contract, or licensee serving adults only.
- 1214 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee
1215 shall comply with this section.
- 1216 (c) The office shall conduct a comprehensive review for an applicant if:
- 1217 (i) the applicant is seeking a position:
- 1218 (A) as a peer support provider;

- 1219 (B) as a mental health professional; or
- 1220 (C) in a program that serves only adults with a primary mental health diagnosis,
- 1221 with or without a co-occurring substance use disorder; and
- 1222 (ii) within three years from the date on which the office conducts the background
- 1223 check, the applicant has a felony or misdemeanor charge or conviction or a
- 1224 non-criminal finding.
- 1225 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate
- 1226 care program, an applicant seeking to provide a prospective foster home, an applicant
- 1227 seeking to provide a prospective adoptive home, and each adult living in the home of
- 1228 the prospective foster or prospective adoptive home.
- 1229 (b) As federally required, the office shall:
- 1230 (i) check the child abuse and neglect registry in each state where each applicant
- 1231 resided in the five years immediately preceding the day on which the applicant
- 1232 applied to be a foster or adoptive parent, to determine whether the prospective
- 1233 foster or adoptive parent is listed in the registry as having a substantiated or
- 1234 supported finding of child abuse or neglect; and
- 1235 (ii) except for applicants seeking a position in a congregate care program, check the
- 1236 child abuse and neglect registry in each state where each adult living in the home
- 1237 of the prospective foster or adoptive home resided in the five years immediately
- 1238 preceding the day on which the applicant applied to be a foster or adoptive parent,
- 1239 to determine whether the adult is listed in the registry as having a substantiated or
- 1240 supported finding of child abuse or neglect.
- 1241 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 1242 (i) federal law or rule permits otherwise; or
- 1243 (ii) the requirements would prohibit the Division of Child and Family Services or a
- 1244 court from placing a child with:
- 1245 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 1246 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,
- 1247 or 80-3-303, pending completion of the background check described in
- 1248 Subsections (5), (6), and (7).
- 1249 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 1250 qualified status if the applicant has been convicted of:
- 1251 (i) a felony involving conduct that constitutes any of the following:
- 1252 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;

- 1253 (B) commission of domestic violence in the presence of a child, as described in
 1254 Section 76-5-114;
- 1255 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 1256 (D) intentional aggravated abuse of a vulnerable adult, as described in Section
 1257 76-5-111;
- 1258 (E) endangerment of a child or vulnerable adult, as described in Section
 1259 76-5-112.5;
- 1260 (F) aggravated murder, as described in Section 76-5-202;
- 1261 (G) murder, as described in Section 76-5-203;
- 1262 (H) manslaughter, as described in Section 76-5-205;
- 1263 (I) child abuse homicide, as described in Section 76-5-208;
- 1264 (J) homicide by assault, as described in Section 76-5-209;
- 1265 (K) kidnapping, as described in Section 76-5-301;
- 1266 (L) child kidnapping, as described in Section 76-5-301.1;
- 1267 (M) aggravated kidnapping, as described in Section 76-5-302;
- 1268 (N) human trafficking of a child, as described in Section 76-5-308.5;
- 1269 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
- 1270 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
 1271 Exploitation Act;
- 1272 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 1273 (R) aggravated arson, as described in Section 76-6-103;
- 1274 (S) aggravated burglary, as described in Section 76-6-203;
- 1275 (T) aggravated robbery, as described in Section 76-6-302;
- 1276 (U) lewdness involving a child, as described in Section 76-9-702.5;
- 1277 (V) incest, as described in Section 76-7-102; or
- 1278 (W) domestic violence, as described in Section 77-36-1; or
- 1279 (ii) an offense committed outside the state that, if committed in the state, would
 1280 constitute a violation of an offense described in Subsection (13)(d)(i).
- 1281 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
 1282 qualified status to an applicant if, within the five years from the date on which the
 1283 office conducts the background check, the applicant was convicted of a felony
 1284 involving conduct that constitutes a violation of any of the following:
- 1285 (i) aggravated assault, as described in Section 76-5-103;
- 1286 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;

- 1287 (iii) mayhem, as described in Section 76-5-105;
- 1288 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 1289 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 1290 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
- 1291 Act;
- 1292 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
- 1293 Precursor Act; or
- 1294 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 1295 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
- 1296 a comprehensive review of an applicant's background check under this section if the
- 1297 applicant:
- 1298 (i) has an offense described in Subsection (5)(a);
- 1299 (ii) has an infraction conviction entered on a date that is no more than three years
- 1300 before the date on which the office conducts the background check;
- 1301 (iii) has a listing in the Division of Child and Family Services' Licensing Information
- 1302 System described in Section 80-2-1002;
- 1303 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
- 1304 neglect, or exploitation database described in Section 26B-2-210;
- 1305 (v) has a substantiated finding of severe child abuse or neglect under Section
- 1306 80-3-404 or 80-3-504; or
- 1307 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
- 1308 substantiated or supported finding of a severe type of child abuse or neglect, as
- 1309 defined in Section 80-1-102.
- 1310 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1311 office may make rules, consistent with this part, to:
- 1312 (a) establish procedures for, and information to be examined in, the comprehensive
- 1313 review described in Subsections (6), (7), and (13); and
- 1314 (b) determine whether to consider an offense or incident that occurred while an
- 1315 individual was in the custody of the Division of Child and Family Services or the
- 1316 Division of Juvenile Justice and Youth Services for purposes of granting or denying
- 1317 direct access qualified status to an applicant.
- 1318 Section 11. Section **26B-2-309** is amended to read:
- 1319 **26B-2-309 . Assisted living facility transfers.**
- 1320 (1) After the ombudsman receives a notice described in Subsection [26B-2-237(2)(b)]

- 1321 26B-2-237(3)(b), the ombudsman shall:
- 1322 (a) review the notice; and
- 1323 (b) contact the resident or the resident's responsible person to conduct a voluntary
- 1324 interview.
- 1325 (2) The voluntary interview described in Subsection (1)(b) shall:
- 1326 (a) provide the resident with information about the services available through the
- 1327 ombudsman;
- 1328 (b) confirm the details in the notice described in Subsection [~~26B-2-237(2)(b)~~]
- 1329 26B-2-237(3)(b), including:
- 1330 (i) the name of the resident;
- 1331 (ii) the reason for the transfer or discharge;
- 1332 (iii) the date of the transfer or discharge; and
- 1333 (iv) a description of the resident's next living arrangement; and
- 1334 (c) provide the resident an opportunity to discuss any concerns or complaints the
- 1335 resident may have regarding:
- 1336 (i) the resident's treatment at the assisted living facility; and
- 1337 (ii) whether the assisted living facility treated the resident fairly when the assisted
- 1338 living facility transferred or discharged the resident.
- 1339 (3) On or before November 1 of each year, the ombudsman shall provide a report to the
- 1340 Health and Human Services Interim Committee regarding:
- 1341 (a) the reasons why assisted living facilities are transferring residents;
- 1342 (b) where residents are going upon transfer or discharge; and
- 1343 (c) the type and prevalence of complaints that the ombudsman receives regarding
- 1344 assisted living facilities, including complaints about the process or reasons for a
- 1345 transfer or discharge.
- 1346 Section 12. Section **26B-4-245** is amended to read:
- 1347 **26B-4-245 . Purchasing and use limitations.**
- 1348 (1) An individual with a medical cannabis card:
- 1349 (a) may purchase, in any one 28-day period, up to the legal dosage limit of:
- 1350 (i) unprocessed cannabis in a medicinal dosage form; and
- 1351 (ii) a cannabis product in a medicinal dosage form;
- 1352 (b) may not purchase:
- 1353 (i) except as provided in Subsection (2), more medical cannabis than described in
- 1354 Subsection (1)(a); or

- 1355 (ii) if the relevant recommending medical provider did not recommend directions of
 1356 use and dosing guidelines, until the individual consults with the pharmacy medical
 1357 provider in accordance with Subsection 26B-4-231(5), any medical cannabis; and
 1358 (c) may not use a route of administration that the relevant recommending medical
 1359 provider or the pharmacy medical provider, in accordance with Subsection 26B-4-231
 1360 (5), has not recommended.

1361 (2)(a) A qualified medical provider may petition the department to waive the 28-day
 1362 period limit described in Subsection (1)(a) for a medical cannabis cardholder if the
 1363 medical cannabis cardholder:

- 1364 (i) has been diagnosed with a terminal illness;
 1365 (ii) has a life expectancy of six months or less; and
 1366 (iii) needs the waiver for palliative purposes.

1367 (b) The department shall:

- 1368 (i) consult with the Compassionate Use Board to determine whether the waiver
 1369 should be granted; and
 1370 (ii) issue a response to the petition within 10 days from the day on which the petition
 1371 is received.

1372 (c) The department may waive the 28-day period limit for no more than 180 days.

1373 (d) A petition described in this Subsection (2) may be combined with the petition
 1374 described in Subsection 26B-1-421(6).

1375 Section 13. Section **26B-5-331** is amended to read:

1376 **26B-5-331 . Temporary commitment -- Requirements and procedures -- Rights.**

1377 (1) An adult shall be temporarily, involuntarily committed to a local mental health authority
 1378 upon:

1379 (a) a written application that:

- 1380 (i) is completed by a responsible individual who has reason to know, stating a belief
 1381 that the adult, due to mental illness, is likely to pose substantial danger to self or
 1382 others if not restrained and stating the personal knowledge of the adult's condition
 1383 or circumstances that lead to the individual's belief; and

- 1384 (ii) includes a certification by a licensed physician, licensed physician assistant,
 1385 licensed nurse practitioner, or designated examiner stating that the physician,
 1386 physician assistant, nurse practitioner, or designated examiner has examined the
 1387 adult within a three-day period immediately preceding the certification, and that
 1388 the physician, physician assistant, nurse practitioner, or designated examiner is of

- 1389 the opinion that, due to mental illness, the adult poses a substantial danger to self
1390 or others; or
- 1391 (b) a peace officer or a mental health officer:
- 1392 (i) observing an adult's conduct that gives the peace officer or mental health officer
1393 probable cause to believe that:
- 1394 (A) the adult has a mental illness; and
- 1395 (B) because of the adult's mental illness and conduct, the adult poses a substantial
1396 danger to self or others; and
- 1397 (ii) completing a temporary commitment application that:
- 1398 (A) is on a form prescribed by the division;
- 1399 (B) states the peace officer's or mental health officer's belief that the adult poses a
1400 substantial danger to self or others;
- 1401 (C) states the specific nature of the danger;
- 1402 (D) provides a summary of the observations upon which the statement of danger is
1403 based; and
- 1404 (E) provides a statement of the facts that called the adult to the peace officer's or
1405 mental health officer's attention.
- 1406 (2) If at any time a patient committed under this section no longer meets the commitment
1407 criteria described in Subsection (1), the local mental health authority or the local mental
1408 health authority's designee shall:
- 1409 (a) document the change and release the patient; and
- 1410 (b) if the patient was admitted under Subsection (1)(b), notify the peace officer or
1411 mental health officer of the patient's release.
- 1412 (3) A patient committed under this section may be held for a maximum of 72 hours after
1413 commitment, excluding Saturdays, Sundays, and legal holidays, unless:
- 1414 (a) as described in Section 26B-5-332, an application for involuntary commitment is
1415 commenced, which may be accompanied by an order of detention described in
1416 Subsection 26B-5-332(4); or
- 1417 (b) the patient makes a voluntary application for admission.
- 1418 (4) Upon a written application described in Subsection (1)(a) or the observation and belief
1419 described in Subsection (1)(b)(i), the adult shall be:
- 1420 (a) taken into a peace officer's protective custody, by reasonable means, if necessary for
1421 public safety; and
- 1422 (b) transported for temporary commitment to a facility designated by the local mental

- 1423 health authority, by means of:
- 1424 (i) an ambulance, if the adult meets any of the criteria described in Section [
1425 ~~26B-4-119~~] 53-2d-405;
- 1426 (ii) an ambulance, if a peace officer is not necessary for public safety, and
1427 transportation arrangements are made by a physician, physician assistant, nurse
1428 practitioner, designated examiner, or mental health officer;
- 1429 (iii) the city, town, or municipal law enforcement authority with jurisdiction over the
1430 location where the adult is present, if the adult is not transported by ambulance;
- 1431 (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the
1432 law enforcement authority described in Subsection (4)(b)(iii) and the adult is not
1433 transported by ambulance; or
- 1434 (v) nonemergency secured behavioral health transport as that term is defined in
1435 Section 53-2d-101.
- 1436 (5) Notwithstanding Subsection (4):
- 1437 (a) an individual shall be transported by ambulance to an appropriate medical facility for
1438 treatment if the individual requires physical medical attention;
- 1439 (b) if an officer has probable cause to believe, based on the officer's experience and
1440 de-escalation training that taking an individual into protective custody or transporting
1441 an individual for temporary commitment would increase the risk of substantial
1442 danger to the individual or others, a peace officer may exercise discretion to not take
1443 the individual into custody or transport the individual, as permitted by policies and
1444 procedures established by the officer's law enforcement agency and any applicable
1445 federal or state statute, or case law; and
- 1446 (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual
1447 into protective custody or transport an individual, the officer shall document in the
1448 officer's report the details and circumstances that led to the officer's decision.
- 1449 (6)(a) The local mental health authority shall inform an adult patient committed under
1450 this section of the reason for commitment.
- 1451 (b) An adult patient committed under this section has the right to:
- 1452 (i) within three hours after arrival at the local mental health authority, make a
1453 telephone call, at the expense of the local mental health authority, to an individual
1454 of the patient's choice; and
- 1455 (ii) see and communicate with an attorney.
- 1456 (7)(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.

- 1457 (b) This section does not create a special duty of care.
- 1458 (8)(a) A local mental health authority shall provide discharge instructions to each
1459 individual committed under this section at or before the time the individual is
1460 discharged from the local mental health authority's custody, regardless of whether the
1461 individual is discharged by being released, taken into a peace officer's protective
1462 custody, transported to a medical facility or other facility, or other circumstances.
- 1463 (b) Discharge instructions provided under Subsection (8)(a) shall include:
- 1464 (i) a summary of why the individual was committed to the local mental health
1465 authority;
- 1466 (ii) detailed information about why the individual is being discharged from the local
1467 mental health authority's custody;
- 1468 (iii) a safety plan for the individual based on the individual's mental illness or mental
1469 or emotional state;
- 1470 (iv) notification to the individual's primary care provider, if applicable;
- 1471 (v) if the individual is discharged without food, housing, or economic security, a
1472 referral to appropriate services, if such services exist in the individual's
1473 community;
- 1474 (vi) the phone number to call or text for a crisis services hotline, and information
1475 about the availability of peer support services;
- 1476 (vii) a copy of any psychiatric advance directive presented to the local mental health
1477 authority, if applicable;
- 1478 (viii) information about how to establish a psychiatric advance directive if one was
1479 not presented to the local mental health authority;
- 1480 (ix) as applicable, information about medications that were changed or discontinued
1481 during the commitment;
- 1482 (x) a list of any screening or diagnostic tests conducted during the commitment;
- 1483 (xi) a summary of therapeutic treatments provided during the commitment;
- 1484 (xii) any laboratory work, including blood samples or imaging, that was completed or
1485 attempted during the commitment; and
- 1486 (xiii) information about how to contact the local mental health authority if needed.
- 1487 (c) If an individual's medications were changed, or if an individual was prescribed new
1488 medications while committed under this section, discharge instructions provided
1489 under Subsection (8)(a) shall include a clinically appropriate supply of medications,
1490 as determined by a licensed health care provider, to allow the individual time to

- 1491 access another health care provider or follow-up appointment.
- 1492 (d) If an individual refuses to accept discharge instructions, the local mental health
1493 authority shall document the refusal in the individual's medical record.
- 1494 (e) If an individual's discharge instructions include referrals to services under Subsection
1495 (8)(b)(v), the local mental health authority shall document those referrals in the
1496 individual's medical record.
- 1497 (f) The local mental health authority shall attempt to follow up with a discharged
1498 individual at least 48 hours after discharge, and may use peer support professionals
1499 when performing follow-up care or developing a continuing care plan.

1500 Section 14. Section **26B-6-201** is amended to read:

1501 **26B-6-201 . Definitions.**

1502 As used in this part:

- 1503 (1) "Abandonment" means any knowing or intentional action or failure to act, including
1504 desertion, by a person acting as a caretaker for a vulnerable adult that leaves the
1505 vulnerable adult without the means or ability to obtain necessary food, clothing, shelter,
1506 or medical or other health care.
- 1507 (2) "Abuse" means:
- 1508 (a) knowingly or intentionally:
- 1509 (i) attempting to cause harm;
- 1510 (ii) causing harm; or
- 1511 (iii) placing another in fear of harm;
- 1512 (b) unreasonable or inappropriate use of physical restraint, medication, or isolation that
1513 causes or is likely to cause harm to a vulnerable adult;
- 1514 (c) emotional or psychological abuse;
- 1515 (d) a sexual offense as described in Title 76, Chapter 5, Offenses Against the Individual;
1516 or
- 1517 (e) deprivation of life sustaining treatment, or medical or mental health treatment, except:
1518 (i) as provided in Title 75A, Chapter 3, Health Care Decisions; or
1519 (ii) when informed consent, as defined in Section 76-5-111, has been obtained.
- 1520 (3) "Adult" means an individual who is 18 years old or older.
- 1521 (4) "Adult protection case file" means a record, stored in any format, contained in a case
1522 file maintained by Adult Protective Services.
- 1523 (5) "Adult Protective Services" means the unit within the division responsible to investigate
1524 abuse, neglect, and exploitation of vulnerable adults and provide appropriate protective

- 1525 services.
- 1526 (6) "Capacity to consent" means the ability of an individual to understand and communicate
1527 regarding the nature and consequences of decisions relating to the individual, and
1528 relating to the individual's property and lifestyle, including a decision to accept or refuse
1529 services.
- 1530 (7) "Caretaker" means a person or public institution that is entrusted with or assumes the
1531 responsibility to provide a vulnerable adult with care, food, shelter, clothing,
1532 supervision, medical or other health care, resource management, or other necessities for
1533 pecuniary gain, by contract, or as a result of friendship, or who is otherwise in a position
1534 of trust and confidence with a vulnerable adult, including a relative, a household
1535 member, an attorney-in-fact, a neighbor, a person who is employed or who provides
1536 volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is
1537 under court order to provide care.
- 1538 (8) "Counsel" means an attorney licensed to practice law in this state.
- 1539 (9) "Database" means the statewide database maintained by the division under Section
1540 26B-6-210.
- 1541 (10)(a) "Dependent adult" means an individual 18 years old or older, who has a physical
1542 or mental impairment that restricts the individual's ability to carry out normal
1543 activities or to protect the individual's rights.
- 1544 (b) "Dependent adult" includes an individual who has physical or developmental
1545 disabilities or whose physical or mental capacity has substantially diminished
1546 because of age.
- 1547 (11) "Elder abuse" means abuse, neglect, or exploitation of an elder adult.
- 1548 (12) "Elder adult" means an individual 65 years old or older.
- 1549 (13) "Emergency" means a circumstance in which a vulnerable adult is at an immediate risk
1550 of death, serious physical injury, or serious physical, emotional, or financial harm.
- 1551 (14) "Emergency protective services" means measures taken by Adult Protective Services
1552 under time-limited, court-ordered authority for the purpose of remediating an emergency.
- 1553 (15)(a) "Emotional or psychological abuse" means knowing or intentional verbal or
1554 nonverbal conduct directed at a vulnerable adult that results in the vulnerable adult
1555 suffering mental anguish, emotional distress, fear, humiliation, degradation, agitation,
1556 or confusion.
- 1557 (b) "Emotional or psychological abuse" includes intimidating, threatening, isolating,
1558 coercing, or harassing.

- 1559 (c) "Emotional or psychological abuse" does not include verbal or non-verbal conduct
1560 by a vulnerable adult who lacks the capacity to intentionally or knowingly:
1561 (i) engage in the conduct; or
1562 (ii) cause mental anguish, emotional distress, fear, humiliation, degradation,
1563 agitation, or confusion.
- 1564 (16) "Exploitation" means an offense described in Section 76-5-111.3, 76-5-111.4, or
1565 76-5b-202.
- 1566 (17) "Harm" means pain, mental anguish, emotional distress, hurt, physical or
1567 psychological damage, physical injury, serious physical injury, suffering, or distress
1568 inflicted knowingly or intentionally.
- 1569 (18) "Inconclusive" means a finding by the division that there is not a reasonable basis to
1570 conclude that abuse, neglect, or exploitation occurred.
- 1571 (19) "Intimidation" means communication through verbal or nonverbal conduct which
1572 threatens deprivation of money, food, clothing, medicine, shelter, social interaction,
1573 supervision, health care, or companionship, or which threatens isolation or abuse.
- 1574 (20)(a) "Isolation" means knowingly or intentionally preventing a vulnerable adult from
1575 having contact with another person, unless the restriction of personal rights is
1576 authorized by court order, by:
- 1577 (i) preventing the vulnerable adult from communicating, visiting, interacting, or
1578 initiating interaction with others, including receiving or inviting visitors, mail, or
1579 telephone calls, contrary to the expressed wishes of the vulnerable adult, or
1580 communicating to a visitor that the vulnerable adult is not present or does not
1581 want to meet with or talk to the visitor, knowing that communication to be false;
- 1582 (ii) physically restraining the vulnerable adult in order to prevent the vulnerable adult
1583 from meeting with a visitor; or
- 1584 (iii) making false or misleading statements to the vulnerable adult in order to induce
1585 the vulnerable adult to refuse to receive communication from visitors or other
1586 family members.
- 1587 (b) "Isolation" does not include an act:
- 1588 (i) intended in good faith to protect the physical or mental welfare of the vulnerable
1589 adult; or
- 1590 (ii) performed pursuant to the treatment plan or instructions of a physician or other
1591 professional advisor of the vulnerable adult.
- 1592 (21) "Lacks capacity to consent" [~~is as~~] means the same as that term is defined in Section

- 1593 76-5-111.4.
- 1594 (22)(a) "Neglect" means:
- 1595 (i)(A) failure of a caretaker to provide necessary care, including nutrition,
- 1596 clothing, shelter, supervision, personal care, or dental, medical, or other health
- 1597 care for a vulnerable adult, unless the vulnerable adult is able to provide or
- 1598 obtain the necessary care without assistance; or
- 1599 (B) failure of a caretaker to provide protection from health and safety hazards or
- 1600 maltreatment;
- 1601 (ii) failure of a caretaker to provide care to a vulnerable adult in a timely manner and
- 1602 with the degree of care that a reasonable person in a like position would exercise;
- 1603 (iii) a pattern of conduct by a caretaker, without the vulnerable adult's informed
- 1604 consent, resulting in deprivation of food, water, medication, health care, shelter,
- 1605 cooling, heating, or other services necessary to maintain the vulnerable adult's
- 1606 well being;
- 1607 (iv) knowing or intentional failure by a caretaker to carry out a prescribed treatment
- 1608 plan that causes or is likely to cause harm to the vulnerable adult;
- 1609 (v) self-neglect by the vulnerable adult; or
- 1610 (vi) abandonment by a caretaker.
- 1611 (b) "Neglect" does not include conduct, or failure to take action, that is permitted or
- 1612 excused under Title 75A, Chapter 3, Health Care Decisions.
- 1613 (23) "Physical injury" includes the damage and conditions described in Section 76-5-111.
- 1614 (24) "Protected person" means a vulnerable adult for whom the court has ordered protective
- 1615 services.
- 1616 (25) "Protective services" means services to protect a vulnerable adult from abuse, neglect,
- 1617 or exploitation.
- 1618 (26) "Self-neglect" means the failure of a vulnerable adult to provide or obtain food, water,
- 1619 medication, health care, shelter, cooling, heating, safety, or other services necessary to
- 1620 maintain the vulnerable adult's well being when that failure is the result of the adult's
- 1621 mental or physical impairment. Choice of lifestyle or living arrangements may not, by
- 1622 themselves, be evidence of self-neglect.
- 1623 (27) "Serious physical injury" is as defined in Section 76-5-111.
- 1624 (28) "Supported" means a finding by the division that there is a reasonable basis to
- 1625 conclude that abuse, neglect, or exploitation occurred.
- 1626 (29) "Undue influence" occurs when a person:

- 1627 (a) uses influence to take advantage of a vulnerable adult's mental or physical
1628 impairment; or
- 1629 (b) uses the person's role, relationship, or power:
- 1630 (i) to exploit, or knowingly assist or cause another to exploit, the trust, dependency,
1631 or fear of a vulnerable adult; or
- 1632 (ii) to gain control deceptively over the decision making of the vulnerable adult.
- 1633 (30) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or
1634 physical impairment which substantially affects that person's ability to:
- 1635 (a) provide personal protection;
- 1636 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 1637 (c) obtain services necessary for health, safety, or welfare;
- 1638 (d) carry out the activities of daily living;
- 1639 (e) manage the adult's own financial resources; or
- 1640 (f) comprehend the nature and consequences of remaining in a situation of abuse,
1641 neglect, or exploitation.
- 1642 (31) "Without merit" means a finding that abuse, neglect, or exploitation did not occur.
- 1643 Section 15. Section **35A-8-302** is amended to read:
- 1644 **35A-8-302 . Definitions.**
- 1645 As used in this part:
- 1646 (1) "Bonus payments" means that portion of the bonus payments received by the United
1647 States government under the Leasing Act paid to the state under Section 35 of the
1648 Leasing Act, 30 U.S.C. Sec. 191, together with any interest that had accrued on those
1649 payments.
- 1650 (2) "Impact board" means the Permanent Community Impact Fund Board created under
1651 Section 35A-8-304.
- 1652 (3) "Impact fund" means the Permanent Community Impact Fund established by this
1653 chapter.
- 1654 (4) "Interlocal agency" means a legal or administrative entity created by a subdivision or
1655 combination of subdivisions under the authority of Title 11, Chapter 13, Interlocal
1656 Cooperation Act.
- 1657 (5) "Leasing Act" means the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 181 et seq.
- 1658 (6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year
1659 beginning on January 1, 2008, the total sales and use tax distributions a city received
1660 under Section 59-12-205 were reduced by at least 15% from the total sales and use tax

1661 distributions the city received under Section 59-12-205 for the calendar year beginning
1662 on January 1, 2007.

1663 (7)(a) "Planning" means any of the following performed by or on behalf of the state, a
1664 subdivision, or an interlocal [entity] agency:

1665 (i) a study, analysis, plan, or survey; or
1666 (ii) activities necessary to obtain a permit or land use approval, including review to
1667 determine the need, cost, or feasibility of obtaining a permit or land use approval.

1668 (b) "Planning" includes:

1669 (i) the preparation of maps and guidelines;

1670 (ii) land use planning;

1671 (iii) a study or analysis of:

1672 (A) the social or economic impacts associated with natural resource development;

1673 (B) the demand for the transportation of individuals or goods;

1674 (C) state, regional, and local development and growth;

1675 (D) population and employment;

1676 (E) development related to natural resources; and

1677 (F) as related to any other activity described in this Subsection (7), engineering,
1678 financial analysis, legal analysis, or any other analysis helpful to the state,
1679 subdivision, or interlocal agency; and

1680 (iv) any activity described in this Subsection (7) regardless of whether the activity is
1681 for a public facility or a public service.

1682 (8) "Public facility" means a facility:

1683 (a) in whole or in part, owned, controlled, or operated by the state, a subdivision, or an
1684 interlocal agency; and

1685 (b) that serves a public purpose.

1686 (9)(a) "Public service" means a service that:

1687 (i) is provided, in whole or in part, by or on behalf of the state, a subdivision, or an
1688 interlocal agency; and

1689 (ii) serves a public purpose.

1690 (b) "Public service" includes:

1691 (i) a service described in Subsection (9)(a) regardless of whether the service is
1692 provided in connection with a public facility;

1693 (ii) the cost of providing a service described in Subsection (9)(a), including
1694 administrative costs, wages, and legal fees; and

1695 (iii) a contract with a public postsecondary institution to fund research, education, or
1696 a public service program.

1697 (10) "Subdivision" means a county, city, town, county service area, special service district,
1698 special improvement district, water conservancy district, water improvement district,
1699 sewer improvement district, housing authority, building authority, school district, or
1700 public postsecondary institution organized under the laws of this state.

1701 (11)(a) "Throughput infrastructure project" means the following facilities, whether
1702 located within, partially within, or outside of the state:

1703 (i) a bulk commodities ocean terminal;

1704 (ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;

1705 (iii) electric transmission lines and ancillary facilities;

1706 (iv) a shortline freight railroad and ancillary facilities;

1707 (v) a plant or facility for storing, distributing, or producing hydrogen, including the
1708 liquification of hydrogen, for use as a fuel in zero emission motor vehicles, for
1709 electricity generation, or for industrial use; or

1710 (vi) a plant for the production of zero emission hydrogen fueled trucks.

1711 (b) "Throughput infrastructure project" includes:

1712 (i) an ownership interest or a joint or undivided ownership interest in a facility;

1713 (ii) a membership interest in the owner of a facility; or

1714 (iii) a contractual right, whether secured or unsecured, to use all or a portion of the
1715 throughput, transportation, or transmission capacity of a facility.

1716 Section 16. Section **40-11-16** is amended to read:

1717 **40-11-16 . Certificate of project completion.**

1718 (1) To request a certificate of project completion, a storage operator shall submit:

1719 (a) a demonstration that the last carbon dioxide injection was no fewer than 10 years
1720 preceding the filing;

1721 (b) a statement of compliance with all statutes and rules regulating the storage facility;

1722 (c) a demonstration of the resolution of all pending claims regarding the storage facility;

1723 (d) a demonstration of the present and future physical integrity of the storage reservoir;

1724 (e) a demonstration that any carbon dioxide in the storage reservoir:

1725 (i) is essentially stationary; or

1726 (ii) if the carbon dioxide migrates or will migrate, is highly unlikely to cross the
1727 storage reservoir boundary;

1728 (f) a demonstration that all wells, equipment, and facilities necessary for maintaining the

- 1729 continued integrity of the storage reservoir are currently in good condition and will
 1730 maintain that good condition; and
- 1731 (g) a demonstration that the operator has:
- 1732 (i) plugged wells;
- 1733 (ii) removed equipment and facilities not necessary to maintaining the integrity of the
 1734 reservoir; and
- 1735 (iii) completed any other reclamation work the board requires.
- 1736 (2) Immediately after the board issues a certificate of project completion:
- 1737 (a) title to the storage facility and the stored carbon dioxide, including oversight of a
 1738 facility used to store the stored carbon dioxide, transfers to the state;
- 1739 (b) liability with respect to the storage facility and the stored carbon dioxide transfers to
 1740 the state;
- 1741 (c) the storage operator and any person who is not the state who has property rights in
 1742 the storage facility is released from any obligation to comply with regulatory
 1743 requirements associated with the storage facility;
- 1744 (d) the board shall release any bonds the storage operator has posted; and
- 1745 (e) the division shall oversee the monitoring and managing of the storage facility.

1746 Section 17. Section **53-2a-1102** is amended to read:

1747 **53-2a-1102 . Search and Rescue Financial Assistance Program -- Uses --**

1748 **Rulemaking -- Distribution.**

- 1749 (1) As used in this section:
- 1750 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
 1751 Program created within this section.
- 1752 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
 1753 participant.
- 1754 (c) "Participant" means an individual, family, or group who is registered pursuant to this
 1755 section as having a valid card at the time search, rescue, or both are provided.
- 1756 (d) "Program" means the Search and Rescue Financial Assistance Program created
 1757 within this section.
- 1758 (e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to
 1759 search and rescue activities.
- 1760 (ii) "Reimbursable base expenses" include:
- 1761 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
- 1762 (B) replacement and upgrade of search and rescue equipment;

- 1763 (C) training of search and rescue volunteers;
- 1764 (D) costs of providing life insurance and workers' compensation benefits for
1765 volunteer search and rescue team members under Section 67-20-7.5; and
1766 (E) any other equipment or expenses necessary or appropriate for conducting
1767 search and rescue activities.
- 1768 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1769 individual on a regular or permanent payroll, including permanent part-time
1770 employees of any agency of the state.
- 1771 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1772 (2) There is created the Search and Rescue Financial Assistance Program within the
1773 division.
- 1774 (3)(a) The financial program and the assistance card program shall be funded from the
1775 following revenue sources:
- 1776 (i) any voluntary contributions to the state received for search and rescue operations;
1777 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,
1778 41-22-34, and 73-18-24;
- 1779 (iii) money deposited under Subsection [~~59-12-103(13)~~] 59-12-103(12);
1780 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
1781 (v) appropriations made to the program by the Legislature.
- 1782 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
1783 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1784 General Fund as a dedicated credit to be used solely for the program.
- 1785 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1786 the General Fund as a dedicated credit to be used solely to promote the assistance
1787 card program.
- 1788 (d) Funding for the program is nonlapsing.
- 1789 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
1790 section to reimburse counties for all or a portion of each county's reimbursable base
1791 expenses for search and rescue operations, subject to:
- 1792 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1793 53-2a-1104;
- 1794 (b) money available in the program; and
1795 (c) rules made under Subsection (7).
- 1796 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel

- 1797 costs or paid man hours spent in emergency response and search and rescue related
1798 activities.
- 1799 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1800 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
1801 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1802 and consistent with this section:
- 1803 (a) specifying the costs that qualify as reimbursable base expenses;
- 1804 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1805 (c) defining a participant in the assistance card program, including:
- 1806 (i) individuals; and
- 1807 (ii) families and organized groups who qualify as participants;
- 1808 (d) defining the procedure for issuing a card to a participant;
- 1809 (e) defining excluded expenses that may not be reimbursed under the program, including
1810 medical expenses;
- 1811 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1812 Program;
- 1813 (g) establishing the frequency of review of the fee schedule;
- 1814 (h) providing for the administration of the program; and
- 1815 (i) providing a formula to govern the distribution of available money among the counties
1816 for uncompensated search and rescue expenses based on:
- 1817 (i) the total qualifying expenses submitted;
- 1818 (ii) the number of search and rescue incidents per county population;
- 1819 (iii) the number of victims that reside outside the county; and
- 1820 (iv) the number of volunteer hours spent in each county in emergency response and
1821 search and rescue related activities per county population.
- 1822 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1823 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1824 under Subsection 63J-1-504(7).
- 1825 (b) The division shall provide a discount of not less than 10% of the card fee under
1826 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1827 or 73-18-24 during the same calendar year in which the person applies to be a
1828 participant in the assistance card program.
- 1829 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
1830 the rescue of an individual, if the individual is a current participant in the Utah Search

- 1831 and Rescue Assistance Card Program at the time of rescue, unless:
- 1832 (a) the rescuing county finds that the participant acted recklessly in creating a situation
- 1833 resulting in the need for the county to provide rescue services; or
- 1834 (b) the rescuing county finds that the participant intentionally created a situation
- 1835 resulting in the need for the county to provide rescue services.
- 1836 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
- 1837 program is located within the division.
- 1838 (b) The program may not be used to cover any expenses, such as medically related
- 1839 expenses, that are not reimbursable base expenses related to the rescue.
- 1840 (11)(a) To participate in the program, a person shall purchase a search and rescue
- 1841 assistance card from the division by paying the fee as determined by the division in
- 1842 Subsection (8).
- 1843 (b) The money generated by the fees shall be deposited into the General Fund as a
- 1844 dedicated credit for the Search and Rescue Financial Assistance Program created in
- 1845 this section.
- 1846 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,
- 1847 and 73-18-24 do not constitute purchase of a card under this section.
- 1848 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1849 (a) administration of the assistance card program; and
- 1850 (b) outreach and marketing strategies.
- 1851 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card
- 1852 Program under this section is exempt from being considered insurance as that term is
- 1853 defined in Section 31A-1-301.
- 1854 Section 18. Section **53-2d-101** is amended to read:
- 1855 **53-2d-101 . Definitions.**
- 1856 As used in this chapter:
- 1857 (1)(a) "911 ambulance or paramedic services" means:
- 1858 (i) either:
- 1859 (A) 911 ambulance service;
- 1860 (B) 911 paramedic service; or
- 1861 (C) both 911 ambulance and paramedic service; and
- 1862 (ii) a response to a 911 call received by a designated dispatch center that receives 911
- 1863 or E911 calls.
- 1864 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone

- 1865 call received directly by an ambulance provider licensed under this chapter.
- 1866 (2) "Ambulance" means a ground, air, or water vehicle that:
- 1867 (a) transports patients and is used to provide emergency medical services; and
- 1868 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.
- 1869 (3) "Ambulance provider" means an emergency medical service provider that:
- 1870 (a) transports and provides emergency medical care to patients; and
- 1871 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1872 (4) "Automatic external defibrillator" or "AED" means an automated or automatic
- 1873 computerized medical device that:
- 1874 (a) has received pre-market notification approval from the United States Food and Drug
- 1875 Administration, pursuant to 21 U.S.C. Sec. 360(k);
- 1876 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
- 1877 ventricular tachycardia;
- 1878 (c) is capable of determining, without intervention by an operator, whether defibrillation
- 1879 should be performed; and
- 1880 (d) upon determining that defibrillation should be performed, automatically charges,
- 1881 enabling delivery of, or automatically delivers, an electrical impulse through the
- 1882 chest wall and to an individual's heart.
- 1883 (5)(a) "Behavioral emergency services" means delivering a behavioral health
- 1884 intervention to a patient in an emergency context within a scope and in accordance
- 1885 with guidelines established by the department.
- 1886 (b) "Behavioral emergency services" does not include engaging in the:
- 1887 (i) practice of mental health therapy as defined in Section 58-60-102;
- 1888 (ii) practice of psychology as defined in Section 58-61-102;
- 1889 (iii) practice of clinical social work as defined in Section 58-60-202;
- 1890 (iv) practice of certified social work as defined in Section 58-60-202;
- 1891 (v) practice of marriage and family therapy as defined in Section 58-60-302;
- 1892 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- 1893 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1894 (6) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 1895 53-2d-102.
- 1896 (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest
- 1897 compression applied to a person who is unresponsive and not breathing.
- 1898 (8) "Committee" means the Trauma System and Emergency Medical Services Committee

- 1899 created by Section 53-2d-104.
- 1900 (9) "Community paramedicine" means medical care:
- 1901 (a) provided by emergency medical service personnel; and
- 1902 (b) provided to a patient who is not:
- 1903 (i) in need of ambulance transportation; or
- 1904 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1905 (10) "Direct medical observation" means in-person observation of a patient by a physician,
- 1906 registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.
- 1907 (11) "Emergency medical condition" means:
- 1908 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 1909 including severe pain, that a prudent layperson, who possesses an average knowledge
- 1910 of health and medicine, could reasonably expect the absence of immediate medical
- 1911 attention to result in:
- 1912 (i) placing the individual's health in serious jeopardy;
- 1913 (ii) serious impairment to bodily functions; or
- 1914 (iii) serious dysfunction of any bodily organ or part; or
- 1915 (b) a medical condition that in the opinion of a physician or the physician's designee
- 1916 requires direct medical observation during transport or may require the intervention
- 1917 of an individual licensed under Section 53-2d-402 during transport.
- 1918 (12) "Emergency medical dispatch center" means a public safety answering point, as
- 1919 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 1920 center by the bureau.
- 1921 (13)(a) "Emergency medical service personnel" means an individual who provides
- 1922 emergency medical services or behavioral emergency services to a patient and is
- 1923 required to be licensed or certified under Section 53-2d-402.
- 1924 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
- 1925 licensed emergency medical service provider, emergency medical service instructor,
- 1926 behavioral emergency services technician, other categories established by the
- 1927 committee, and a certified emergency medical dispatcher.
- 1928 (14) "Emergency medical service providers" means:
- 1929 (a) licensed ambulance providers and paramedic providers;
- 1930 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
- 1931 (1)(a); and
- 1932 (c) emergency medical service personnel.

- 1933 (15) "Emergency medical services" means:
- 1934 (a) medical services;
- 1935 (b) transportation services;
- 1936 (c) behavioral emergency services; or
- 1937 (d) any combination of the services described in Subsections (15)(a) through (c).
- 1938 (16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1939 (a) maintained and used for the transportation of emergency medical personnel,
- 1940 equipment, and supplies to the scene of a medical emergency; and
- 1941 (b) required to be permitted under Section 53-2d-404.
- 1942 (17) "Governing body":
- 1943 (a) means the same as that term is defined in Section 11-42-102; and
- 1944 (b) for purposes of a "special service district" under Section 11-42-102, means a special
- 1945 service district that has been delegated the authority to select a provider under this
- 1946 chapter by the special service district's legislative body or administrative control
- 1947 board.
- 1948 (18) "Interested party" means:
- 1949 (a) a licensed or designated emergency medical services provider that provides
- 1950 emergency medical services within or in an area that abuts an exclusive geographic
- 1951 service area that is the subject of an application submitted pursuant to Part 5,
- 1952 Ambulance and Paramedic Providers;
- 1953 (b) any municipality, county, or fire district that lies within or abuts a geographic service
- 1954 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
- 1955 Paramedic Providers; or
- 1956 (c) the department when acting in the interest of the public.
- 1957 (19) "Level of service" means the level at which an ambulance provider type of service is
- 1958 licensed as:
- 1959 (a) emergency medical technician;
- 1960 (b) advanced emergency medical technician; or
- 1961 (c) paramedic.
- 1962 (20) "Medical control" means a person who provides medical supervision to an emergency
- 1963 medical service provider.
- 1964 (21) "Non-911 service" means transport of a patient that is not 911 transport under
- 1965 Subsection (1).
- 1966 (22) "Nonemergency secured behavioral health transport" means an entity that:

- 1967 (a) provides nonemergency secure transportation services for an individual who:
- 1968 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
- 1969 (ii) requires behavioral health observation during transport between any of the
- 1970 following facilities:
- 1971 (A) a licensed acute care hospital;
- 1972 (B) an emergency patient receiving facility;
- 1973 (C) a licensed mental health facility; and
- 1974 (D) the office of a licensed health care provider; and
- 1975 (b) is required to be designated under Section 53-2d-403.
- 1976 (23) "Paramedic provider" means an entity that:
- 1977 (a) employs emergency medical service personnel; and
- 1978 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1979 (24) "Patient" means an individual who, as the result of illness, injury, or a behavioral
- 1980 emergency condition, meets any of the criteria in Section [~~26B-4-119~~] 53-2d-405.
- 1981 (25) "Political subdivision" means:
- 1982 (a) a city or town;
- 1983 (b) a county;
- 1984 (c) a special service district created under Title 17D, Chapter 1, Special Service District
- 1985 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
- 1986 (9);
- 1987 (d) a special district created under Title 17B, Limited Purpose Local Government
- 1988 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
- 1989 and emergency services;
- 1990 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
- 1991 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1992 (26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's
- 1993 heart stops or fails to produce a pulse.
- 1994 (27) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 1995 (28) "Trauma system" means a single, statewide system that:
- 1996 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 1997 areas from the time of injury through transport and rehabilitative care; and
- 1998 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 1999 delivering care for trauma patients, regardless of severity.
- 2000 (29) "Triage" means the sorting of patients in terms of disposition, destination, or priority.

2001 For prehospital trauma victims, triage requires a determination of injury severity to
 2002 assess the appropriate level of care according to established patient care protocols.
 2003 (30) "Triage, treatment, transportation, and transfer guidelines" means written procedures
 2004 that:
 2005 (a) direct the care of patients; and
 2006 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
 2007 center, or an emergency medical service provider.

2008 (31) "Type of service" means the category at which an ambulance provider is licensed as:
 2009 (a) ground ambulance transport;
 2010 (b) ground ambulance interfacility transport; or
 2011 (c) both ground ambulance transport and ground ambulance interfacility transport.

2012 Section 19. Section **53E-3-301** is amended to read:

2013 **53E-3-301 . Appointment -- Qualifications -- Duties.**

- 2014 (1)(a) The state board shall appoint a state superintendent of public instruction, who is
 2015 the executive officer of the state board and serves at the pleasure of the state board.
 2016 (b) The state board shall appoint the state superintendent on the basis of outstanding
 2017 professional qualifications.
 2018 (c) The state superintendent shall administer all programs assigned to the state board in
 2019 accordance with the policies and the standards established by the state board.
 2020 (2) The state board shall, with the state superintendent, develop a statewide education
 2021 strategy focusing on core academics, including the development of:
 2022 (a) core standards for Utah public schools and graduation requirements;
 2023 (b) a process to select model instructional materials that best correlate with the core
 2024 standards for Utah public schools and graduation requirements that are supported by
 2025 generally accepted scientific standards of evidence;
 2026 (c) professional development programs for teachers, superintendents, and principals;
 2027 (d) model remediation programs;
 2028 (e) a model method for creating individual student learning targets, and a method of
 2029 measuring an individual student's performance toward those targets;
 2030 (f) progress-based assessments for ongoing performance evaluations of school districts
 2031 and schools;
 2032 (g) incentives to achieve the desired outcome of individual student progress in core
 2033 academics that do not create disincentives for setting high goals for the students;
 2034 (h) an annual report card for school and school district performance, measuring learning

- 2035 and reporting progress-based assessments;
- 2036 (i) a systematic method to encourage innovation in schools and school districts as each
2037 strives to achieve improvement in performance; and
- 2038 (j) a method for identifying and sharing best demonstrated practices across school
2039 districts and schools.
- 2040 (3) The state superintendent shall perform duties assigned by the state board, including:
- 2041 (a) investigating all matters pertaining to the public schools;
- 2042 (b) adopting and keeping an official seal to authenticate the state superintendent's
2043 official acts;
- 2044 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 2045 (d) collecting and organizing education data into an automated decision support system
2046 to facilitate school district and school improvement planning, accountability
2047 reporting, performance recognition, and the evaluation of educational policy and
2048 program effectiveness to include:
- 2049 (i) data that are:
- 2050 (A) comparable across schools and school districts;
- 2051 (B) appropriate for use in longitudinal studies; and
- 2052 (C) comprehensive with regard to the data elements required under applicable
2053 state or federal law or state board rule;
- 2054 (ii) features that enable users, most particularly school administrators, teachers, and
2055 parents, to:
- 2056 (A) retrieve school and school district level data electronically;
- 2057 (B) interpret the data visually; and
- 2058 (C) draw conclusions that are statistically valid; and
- 2059 (iii) procedures for the collection and management of education data that:
- 2060 (A) require the state superintendent to:
- 2061 (I) collaborate with school districts and charter schools in designing and
2062 implementing uniform data standards and definitions;
- 2063 (II) undertake or sponsor research to implement improved methods for
2064 analyzing education data;
- 2065 (III) provide for data security to prevent unauthorized access to or
2066 contamination of the data; and
- 2067 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 2068 (B) require all school districts and schools to comply with the data collection and

2069 management procedures established under this Subsection (3)(d);

2070 (e) administering and implementing federal educational programs in accordance with
2071 Part 8, Implementing Federal or National Education Programs; and

2072 (f) with the approval of the state board, preparing and submitting to the governor a
2073 budget for the state board to be included in the budget that the governor submits to
2074 the Legislature.

2075 [~~(4) The state superintendent shall distribute funds deposited in the Autism Awareness~~
2076 ~~Restricted Account created in Section 53F-9-401 in accordance with the requirements of~~
2077 ~~Section 53F-9-401.]~~

2078 [~~(5)~~] (4) Upon leaving office, the state superintendent shall deliver to the state
2079 superintendent's successor all books, records, documents, maps, reports, papers, and
2080 other articles pertaining to the state superintendent's office.

2081 Section 20. Section **53G-6-1004** is amended to read:

2082 **53G-6-1004 . Eligibility for interscholastic activities.**

2083 (1)(a) Notwithstanding any state board rule or policy of an athletic association, and
2084 except as provided in Subsections (1)(b) and (c):

2085 (i) once a student has obtained the eligibility approval of the commission under
2086 Subsection (2), the student may participate in a gender-designated interscholastic
2087 activity that does not correspond with the sex designation on the student's birth
2088 certificate; and

2089 (ii) if a student does not obtain the eligibility approval of the commission under
2090 Subsection (2), the student may not participate in a gender-designated
2091 interscholastic activity that does not correspond with the sex designation on the
2092 student's birth certificate.

2093 (b) A student who has undergone or is undergoing a gender transition shall obtain the
2094 eligibility approval of the commission under Subsection (2) to participate in a
2095 gender-designated interscholastic activity that corresponds with the student's gender
2096 identity.

2097 (c) Nothing in this subsection prohibits a student from participating in a
2098 gender-designated interscholastic activity in accordance with 34 C.F.R. Sec.
2099 106.41(b).

2100 (2)(a) When a student registers with an athletic association to participate in a
2101 gender-designated interscholastic activity:

2102 (i) a student who has undergone or is undergoing a gender transition shall notify the

- 2103 athletic association of the student's transition and the need for the commission's
2104 eligibility approval as described in Subsection (1)(b);
- 2105 (ii) the athletic association shall notify the commission of:
- 2106 (A) a student for whom an eligibility determination of the commission is required
2107 due to the sex designation on the student's birth certificate not corresponding
2108 with the gender designation of the gender-designated interscholastic activity in
2109 which the student seeks to participate or the student's notice of a gender
2110 transition under Subsection [~~(1)(a)(ii)~~] (1)(b); and
- 2111 (B) the association's ad hoc appointment to the commission described in
2112 Subsection 53G-6-1003(2)(a)(iv); and
- 2113 (iii) the athletic association shall notify the student described in this Subsection (2)(a)
2114 regarding the process for determining the student's eligibility for the activity under
2115 this section.
- 2116 (b) The commission shall:
- 2117 (i) schedule a non-public meeting to consider a student's eligibility to be held within
2118 30 days after the day on which the commission receives the notification described
2119 in Subsection (2)(a); and
- 2120 (ii) notify the relevant athletic association and the student's parents or legal guardians
2121 of the scheduled meeting.
- 2122 (c) Before the meeting described in Subsection (2)(b):
- 2123 (i) the student for whom the commission has scheduled the meeting or the student's
2124 parent or guardian is not required but may submit to the commission any
2125 information the student wishes to disclose to the commission that may be relevant
2126 to the commission's eligibility determination, including information regarding:
- 2127 (A) the gender-designated interscholastic activities for which the student seeks
2128 eligibility;
- 2129 (B) the gender-designated interscholastic activities in which the student has
2130 previously participated; and
- 2131 (C) the student's physical characteristics or medical treatments that support the
2132 student's eligibility for the specific gender-designated interscholastic activity;
- 2133 (ii) the commission may request additional evidence from the student that is:
- 2134 (A) limited to the extent possible to protect the student's privacy; and
- 2135 (B) only directly relevant to the commission's eligibility determination; and
- 2136 (iii) the commission may offer the student a voucher to cover the cost of a diagnostic

- 2137 assessment if the commission makes a request for medical information under
2138 Subsection (2)(c)(ii) for which the student's insurance does not provide coverage
2139 or reimbursement for the diagnostic that:
- 2140 (A) would provide the requested information; and
2141 (B) is not free or otherwise readily available to the student.
- 2142 (d) During the meeting described in Subsection (2)(b):
- 2143 (i) only the following individuals may be present or participate electronically:
- 2144 (A) the student for whom the commission is meeting to make an eligibility
2145 determination;
- 2146 (B) the student's parents or guardians;
- 2147 (C) the members and necessary staff of the commission; and
2148 (D) any medical professionals or other witnesses the student chooses to include to
2149 support the student's eligibility;
- 2150 (ii) attendees may participate in person or electronically; and
2151 (iii) the commission shall:
- 2152 (A) hear the information that supports the student's eligibility;
- 2153 (B) deliberate the facts relevant to the student's physical characteristics and
2154 eligibility in camera or otherwise after temporarily excusing from the meeting
2155 the student, the student's parents or legal guardians, and any medical
2156 professionals or other witnesses whom the student includes; and
2157 (C) render the commission's eligibility determination in accordance with
2158 Subsection (3) or request additional information and schedule an additional
2159 commission meeting to be held within 30 days of the meeting and in
2160 accordance with this Subsection (2)(d) to discuss the additional information
2161 and render the commission's eligibility determination.
- 2162 (e) The commission may not address the commission's application or analysis of or
2163 determination under this part regarding the eligibility of a specific student in a public
2164 meeting or public communication.
- 2165 (3)(a) In making an eligibility determination, the commission, after considering whether
2166 the student's assertion of a gender identity is consistent with the statutory definition
2167 of gender identity as that term is defined in Section 34A-5-102, including the
2168 implications for the student's mental health of participating in the gender-designated
2169 interscholastic activity, shall:
- 2170 (i) make a determination regarding whether, when measured against the relevant

- 2171 baseline range described in Subsection 53G-6-1003(8), granting the student's
2172 eligibility would:
- 2173 (A) present a substantial safety risk to the student or others that is significantly
2174 greater than the inherent risks of the given activity; or
- 2175 (B) likely give the student a material competitive advantage when compared to
2176 students of the same age competing in the relevant gender-designated activity,
2177 including consideration of the student's previous history of participation in
2178 gender-designated interscholastic activities; and
- 2179 (ii) record the commission's decision and rationale in writing and provide the written
2180 decision to the athletic [~~commission~~] association within 30 days after the day on
2181 which the commission renders an eligibility decision under this Subsection (3)(a)
2182 in a meeting described in Subsection (2)(b).
- 2183 (b) Upon receipt of the commission's determination and rationale under Subsection (3)(a),
2184 the athletic [~~commission~~] association shall notify the student and the relevant school
2185 or LEA of the commission's determination and rationale.
- 2186 (c) A school or LEA shall comply with the commission's determination under this
2187 Subsection (3).
- 2188 (4)(a) Notwithstanding any other provision of law and except as provided in Subsections
2189 (3)(b) and (4)(b), the commission may not disclose:
- 2190 (i) the name of a student whose eligibility the commission will consider, is
2191 considering, or has considered; or
- 2192 (ii) the commission's determination regarding a student's eligibility.
- 2193 (b) The commission shall disclose the commission's determination of a student's
2194 eligibility for a given gender-designated interscholastic activity to the relevant
2195 athletic association, only for the purpose of confirming whether the student is eligible
2196 for the interscholastic activity.
- 2197 (c)(i) Notwithstanding any other provision of law, an athletic association may not
2198 disclose the information described in Subsections (4)(a)(i) and (ii).
- 2199 (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming
2200 that a student is eligible if the eligibility of a student is questioned.

2201 Section 21. Section **58-11a-102** is amended to read:

2202 **58-11a-102 . Definitions.**

2203 As used in this chapter:

- 2204 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that

2205 meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
2206 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
2207 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
2208 Administrative Rulemaking Act.

2209 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the
2210 requirements of Subsection 58-11a-306(4) and the requirements established by rule by
2211 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
2212 Utah Administrative Rulemaking Act.

2213 (3) "Approved eyelash and eyebrow technician apprenticeship" means an apprenticeship
2214 that meets the requirements of Subsection 58-11a-306(7) and the requirements
2215 established by rule by the division in collaboration with the board in accordance with
2216 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2217 (4) "Approved hair designer apprenticeship" means an apprenticeship that meets the
2218 requirements of Subsection 58-11a-306(3) and the requirements established by rule by
2219 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
2220 Utah Administrative Rulemaking Act.

2221 (5) "Approved master esthetician apprenticeship" means an apprenticeship that meets the
2222 requirements of Subsection 58-11a-306(5) and the requirements established by rule by
2223 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
2224 Utah Administrative Rulemaking Act.

2225 (6) "Approved nail technician apprenticeship" means an apprenticeship that meets the
2226 requirements of Subsection 58-11a-306(6) and the requirements established by rule by
2227 the division in collaboration with the board in accordance with Title 63G, Chapter 3,
2228 Utah Administrative Rulemaking Act.

2229 (7) "Barber" means a person who is licensed under this chapter to engage in the practice of
2230 barbering.

2231 (8) "Barber instructor" means a barber who is licensed under this chapter to engage in the
2232 practice of barbering instruction.

2233 (9) "Board" means the Cosmetology and Associated Professions Licensing Board created in
2234 Section 58-11a-201.

2235 (10) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section
2236 58-67-102.

2237 (11) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

2238 (12) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in

- 2239 the practice of cosmetology/barbering.
- 2240 (13) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under
2241 this chapter to engage in the practice of cosmetology/barbering instruction.
- 2242 (14) "Direct supervision" means that the supervisor of an apprentice or the instructor of a
2243 student is physically present in the same building as the apprentice or student and readily
2244 able to establish direct contact with the apprentice or student for consultation, advice,
2245 instruction, and evaluation.
- 2246 (15) "Electrologist" means a person who is licensed under this chapter to engage in the
2247 practice of electrology.
- 2248 (16) "Electrologist instructor" means an electrologist who is licensed under this chapter to
2249 engage in the practice of electrology instruction.
- 2250 (17) "Esthetician" means a person who is licensed under this chapter to engage in the
2251 practice of esthetics.
- 2252 (18) "Esthetician instructor" means a master esthetician who is licensed under this chapter
2253 to engage in the practice of esthetics instruction.
- 2254 (19) "Eyelash and eyebrow technician" means a person who is licensed under this chapter
2255 to engage in the practice of eyelash and eyebrow technology.
- 2256 (20) "Eyelash and eyebrow technician instructor" means an eyelash and eyebrow technician
2257 licensed under this chapter to engage in the practice of eyelash and eyebrow technology
2258 instruction.
- 2259 (21) "Fund" means the Cosmetology and Associated Professions Education and
2260 Enforcement Fund created in Section 58-11a-103.
- 2261 (22)(a) "Hair braiding" means the twisting, weaving, or interweaving of a person's
2262 natural human hair.
- 2263 (b) "Hair braiding" includes the following methods or styles:
- 2264 (i) African-style braiding;
- 2265 (ii) box braids;
- 2266 (iii) cornrows;
- 2267 (iv) dreadlocks;
- 2268 (v) french braids;
- 2269 (vi) invisible braids;
- 2270 (vii) micro braids;
- 2271 (viii) single braids;
- 2272 (ix) single plaits;

- 2273 (x) twists;
- 2274 (xi) visible braids;
- 2275 (xii) the use of lock braids;
- 2276 (xiii) the use of decorative beads, accessories, and extensions; and
- 2277 (xiv) the use of wefts if applied without the use of glue or tape.
- 2278 (c) "Hair braiding" does not include:
- 2279 (i) the use of:
- 2280 (A) wefts if applied with the use of glue or tape;
- 2281 (B) synthetic tape;
- 2282 (C) synthetic glue;
- 2283 (D) keratin bonds;
- 2284 (E) fusion bonds; or
- 2285 (F) heat tools;
- 2286 (ii) the cutting of human hair; or
- 2287 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
- 2288 (A) alter the color of the hair; or
- 2289 (B) straighten, curl, or alter the structure of the hair.
- 2290 (23) "Hair designer" means a person who is licensed under this chapter to engage in the
- 2291 practice of hair design.
- 2292 (24) "Hair designer instructor" means a hair designer who is licensed under this chapter to
- 2293 engage in the practice of hair design instruction.
- 2294 (25) "Licensed barber or cosmetology/barber school" means a barber or cosmetology/barber
- 2295 school licensed under this chapter.
- 2296 (26) "Licensed electrology school" means an electrology school licensed under this chapter.
- 2297 (27) "Licensed esthetics school" means an esthetics school licensed under this chapter.
- 2298 (28) "Licensed hair design school" means a hair design school licensed under this chapter.
- 2299 (29) "Licensed nail technology school" means a nail technology school licensed under this
- 2300 chapter.
- 2301 (30) "Master esthetician" means an individual who is licensed under this chapter to engage
- 2302 in the practice of master-level esthetics.
- 2303 (31) "Nail technician" means an individual who is licensed under this chapter to engage in
- 2304 the practice of nail technology.
- 2305 (32) "Nail technician instructor" means a nail technician licensed under this chapter to
- 2306 engage in the practice of nail technology instruction.

- 2307 (33) "Practice of barbering" means:
- 2308 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
- 2309 scissors, shears, clippers, or other appliances;
- 2310 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 2311 (c) removing hair from the face or neck of a person by the use of shaving equipment; and
- 2312 (d) when providing other services described in this Subsection (33), gently massaging
- 2313 the head, back of the neck, and shoulders by manual or mechanical means.
- 2314 (34) "Practice of barbering instruction" means teaching the practice of barbering at a
- 2315 licensed barber school, at any school licensed under this chapter or for an approved
- 2316 barber apprenticeship.
- 2317 (35) "Practice of basic esthetics" means any one of the following skin care procedures done
- 2318 on the body for cosmetic purposes and not for the treatment of medical, physical, or
- 2319 mental ailments:
- 2320 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
- 2321 masks, manual extraction, including a comedone extractor, depilatories, waxes,
- 2322 tweezing, the application of eyelash or eyebrow extensions, natural nail manicures or
- 2323 pedicures, or callous removal by buffing or filing;
- 2324 (b) limited chemical exfoliation as defined by rule;
- 2325 (c) removing superfluous hair by means other than electrolysis, except that an individual
- 2326 is not required to be licensed as an esthetician to engage in the practice of threading;
- 2327 (d) other esthetic preparations or procedures with the use of the hands, a high-frequency
- 2328 or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not for the
- 2329 treatment of medical, physical, or mental ailments;
- 2330 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or eyebrows, or
- 2331 applying eyelash or eyebrow extensions; or
- 2332 (f) except as provided in Subsection (35)(f)(i), cosmetic laser procedures under the
- 2333 direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
- 2334 following:
- 2335 (i) superfluous hair removal which shall be under indirect supervision;
- 2336 (ii) anti-aging resurfacing enhancements;
- 2337 (iii) photo rejuvenation; or
- 2338 (iv) tattoo removal.
- 2339 (36)(a) "Practice of cosmetology/barbering" means:
- 2340 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,

- 2341 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the
2342 head of a person;
- 2343 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
2344 other appliances;
- 2345 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes or
2346 eyebrows, applying eyelash or eyebrow extensions;
- 2347 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
2348 shaving equipment;
- 2349 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
2350 or both on the human head; or
- 2351 (vi) practicing hair weaving or hair fusing or servicing previously medically
2352 implanted hair.
- 2353 (b) The term "practice of cosmetology/barbering" includes:
- 2354 (i) the practice of barbering;
- 2355 (ii) the practice of basic esthetics;
- 2356 (iii) the practice of nail technology; and
- 2357 (iv) the practice of eyelash and eyebrow technology.
- 2358 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
2359 the practice of threading.
- 2360 (37) "Practice of cosmetology/barbering instruction" means teaching the practice of
2361 cosmetology/barbering:
- 2362 (a) at any school licensed under this chapter; or
- 2363 (b) for an approved cosmetologist/barber apprenticeship.
- 2364 (38) "Practice of electrology" means:
- 2365 (a) the removal of superfluous hair from the body of a person by the use of electricity,
2366 waxing, shaving, or tweezing; or
- 2367 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
2368 superfluous hair removal.
- 2369 (39) "Practice of electrology instruction" means teaching the practice of electrology at any
2370 school licensed under this chapter.
- 2371 (40) "Practice of esthetics instruction" means teaching the practice of basic esthetics or the
2372 practice of master-level esthetics:
- 2373 (a) at any school licensed under this chapter; or
- 2374 (b) for an approved esthetician apprenticeship or an approved master esthetician

- 2375 apprenticeship.
- 2376 (41) "Practice of eyelash and eyebrow technology" means arching eyebrows by tweezing,
2377 tinting eyelashes or eyebrows, perming eyelashes or eyebrows, or applying eyelash or
2378 eyebrow extensions.
- 2379 (42) "Practice of eyelash and eyebrow technology instruction" means teaching the practice
2380 of eyelash and eyebrow technology at any school licensed under this chapter or for an
2381 approved eyelash and eyebrow technician apprenticeship.
- 2382 (43) "Practice of hair design" means:
- 2383 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing,
2384 bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
2385 person;
- 2386 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
2387 shears, clippers, or other appliances;
- 2388 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
2389 both on the human head; or
- 2390 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
2391 hair.
- 2392 (44) "Practice of hair design instruction" means teaching the practice of hair design at any
2393 school licensed under this chapter.
- 2394 (45)(a) "Practice of master-level esthetics" means:
- 2395 (i) any of the following when done for cosmetic purposes on the body and not for the
2396 treatment of medical, physical, or mental ailments:
- 2397 (A) body wraps as defined by rule;
- 2398 (B) hydrotherapy as defined by rule;
- 2399 (C) chemical exfoliation as defined by rule;
- 2400 (D) advanced pedicures as defined by rule;
- 2401 (E) sanding, including microdermabrasion;
- 2402 (F) advanced extraction;
- 2403 (G) dermaplaning;
- 2404 (H) other esthetic preparations or procedures with the use of:
- 2405 (I) the hands; or
- 2406 (II) a mechanical or electrical apparatus which is approved for use by division
2407 rule for beautifying or similar work performed on the body for cosmetic
2408 purposes and not for the treatment of a medical, physical, or mental ailment;

- 2409 or
- 2410 (I) cosmetic laser procedures under the supervision of a cosmetic supervisor with
- 2411 a physician's evaluation before the procedure, as needed, unless specifically
- 2412 required under Section 58-1-506, and limited to the following:
- 2413 (I) superfluous hair removal;
- 2414 (II) anti-aging resurfacing enhancements;
- 2415 (III) photo rejuvenation; or
- 2416 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
- 2417 assistant's evaluation before the tattoo removal procedure, as required by
- 2418 Subsection 58-1-506(3)(a); and
- 2419 (ii) lymphatic massage by manual or other means as defined by rule.
- 2420 (b) Notwithstanding the provisions of Subsection (45)(a), a master-level esthetician may
- 2421 perform procedures listed in Subsection (45)(a)(i)[~~(H)~~] (I) if done under the
- 2422 supervision of a cosmetic supervisor acting within the scope of the cosmetic
- 2423 supervisor license.
- 2424 (c) The term "practice of master-level esthetics" includes:
- 2425 (i) the practice of esthetics, but an individual is not required to be licensed as an
- 2426 esthetician or master-level esthetician to engage in the practice of threading; and
- 2427 (ii) the practice of eyelash and eyebrow technology.
- 2428 (46)(a) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
- 2429 massage, or enhance the appearance of the hands, feet, and nails of an individual by
- 2430 the use of hands, mechanical, or electrical preparation, antiseptic, lotions, or creams.
- 2431 (b) "Practice of nail technology" includes:
- 2432 (i) the application and removal of sculptured or artificial nails; and
- 2433 (ii) using blades, including corn or callus planer or rasp, for smoothing, shaving, or
- 2434 removing dead skin from the feet.
- 2435 (47) "Practice of nail technology instruction" means teaching the practice of nail technology
- 2436 at any school licensed under this chapter or for an approved nail technician
- 2437 apprenticeship.
- 2438 (48) "Recognized barber school" means a barber school located in a state other than Utah,
- 2439 whose students, upon graduation, are recognized as having completed the educational
- 2440 requirements for licensure in that state.
- 2441 (49) "Recognized cosmetology/barber school" means a cosmetology/barber school located
- 2442 in a state other than Utah, whose students, upon graduation, are recognized as having

- 2443 completed the educational requirements for licensure in that state.
- 2444 (50) "Recognized electrology school" means an electrology school located in a state other
2445 than Utah, whose students, upon graduation, are recognized as having completed the
2446 educational requirements for licensure in that state.
- 2447 (51) "Recognized esthetics school" means an esthetics school located in a state other than
2448 Utah, whose students, upon graduation, are recognized as having completed the
2449 educational requirements for licensure in that state.
- 2450 (52) "Recognized eyelash and eyebrow technology school" means an eyelash and eyebrow
2451 technology school located in a state other than Utah, whose students, upon graduation,
2452 are recognized as having completed the educational requirements for licensure in that
2453 state.
- 2454 (53) "Recognized hair design school" means a hair design school located in a state other
2455 than Utah, whose students, upon graduation, are recognized as having completed the
2456 educational requirements for licensure in that state.
- 2457 (54) "Recognized nail technology school" means a nail technology school located in a state
2458 other than Utah, whose students, upon graduation, are recognized as having completed
2459 the educational requirements for licensure in that state.
- 2460 (55) "Salon" means a place, shop, or establishment in which cosmetology/barbering,
2461 esthetics, electrology, nail technology, or eyelash and eyebrow technology is practiced.
- 2462 (56) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.
- 2463 (57) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-11a-501 and as
2464 may be further defined by rule by the division in collaboration with the board in
2465 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2466 Section 22. Section **59-2-1804** is amended to read:
- 2467 **59-2-1804 . Application for tax deferral or tax abatement.**
- 2468 (1)(a) Except as provided in Subsection (1)(b) or (2), an applicant for deferral or
2469 abatement for the current tax year shall annually file an application on or before
2470 September 1 with the county in which the applicant's property is located.
- 2471 (b) If a county finds good cause exists, the county may extend until December 31 the
2472 deadline described in Subsection (1)(a).
- 2473 (c) An indigent individual may apply and potentially qualify for deferral, abatement, or
2474 both.
- 2475 (2)[(a)] A county shall extend the default application deadline by one additional year if:
2476 (a) the applicant had been approved for a deferral under this part in the prior year; or

- 2477 (b) the county determines that:
- 2478 (i) the applicant or a member of the applicant's immediate family had an illness or
- 2479 injury that prevented the applicant from filing the application on or before the
- 2480 default application deadline;
- 2481 (ii) a member of the applicant's immediate family died during the calendar year of the
- 2482 default application deadline;
- 2483 (iii) the failure of the applicant to file the application on or before the default
- 2484 application deadline was beyond the reasonable control of the applicant; or
- 2485 (iv) denial of an application would be unjust or unreasonable.
- 2486 (3)(a) An applicant shall include in an application a signed statement that describes the
- 2487 eligibility of the applicant for deferral or abatement.
- 2488 (b) For an application for a deferral under Section 59-2-1802.5, the requirements
- 2489 described in Subsection (3)(a) include:
- 2490 (i) proof that the applicant resides at the single-family residence for which the
- 2491 applicant seeks the deferral;
- 2492 (ii) proof of age; and
- 2493 (iii) proof of household income.
- 2494 (4) Both spouses shall sign an application if the application seeks a deferral or abatement on
- 2495 a residence:
- 2496 (a) in which both spouses reside; and
- 2497 (b) that the spouses own as joint tenants.
- 2498 (5) If an applicant is dissatisfied with a county's decision on the applicant's application for
- 2499 deferral or abatement, the applicant may appeal the decision to the commission in
- 2500 accordance with Section 59-2-1006.
- 2501 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2502 commission may make rules to implement this section.
- 2503 Section 23. Section **59-2-1901** is amended to read:
- 2504 **59-2-1901 . Definitions.**
- 2505 As used in this section:
- 2506 (1) "Active component of the United States Armed Forces" means the same as that term is
- 2507 defined in Section 59-10-1027.
- 2508 (2) "Active duty claimant" means a member of an active component of the United States
- 2509 Armed Forces or a reserve component of the United States Armed Forces who:
- 2510 (a) performed qualifying active duty military service; and

- 2511 (b) applies for an exemption described in Section 59-2-1902.
- 2512 (3) "Adjusted taxable value limit" means:
- 2513 (a) for the calendar year that begins on January 1, 2023, \$479,504; or
- 2514 (b) for each calendar year after the calendar year that begins on January 1, 2023, the
- 2515 amount of the adjusted taxable value limit for the previous year plus an amount
- 2516 calculated by multiplying the amount of the adjusted taxable value limit for the
- 2517 previous year by the actual percent change in the consumer price index during the
- 2518 previous calendar year.
- 2519 (4) "Consumer price index" means the same as that term is described in Section 1(f)(4),
- 2520 Internal Revenue Code, and defined in Section 1(f)(5), Internal Revenue Code.
- 2521 (5) "Deceased veteran with a disability" means a deceased individual who was a veteran
- 2522 with a disability at the time the individual died.
- 2523 (6) "Military entity" means:
- 2524 (a) the United States Department of Veterans Affairs;
- 2525 (b) an active component of the United States Armed Forces; or
- 2526 (c) a reserve component of the United States Armed Forces.
- 2527 (7) "Primary residence" includes the residence of a individual who does not reside in the
- 2528 residence if the individual:
- 2529 (a) does not reside in the residence because the individual is admitted as an inpatient at a
- 2530 health care facility as defined in Section 26B-4-501; and
- 2531 (b) otherwise meets the requirements of this part.
- 2532 (8) "Qualifying active duty military service" means at least 200 days, regardless of whether
- 2533 consecutive, in any continuous 365-day period of active duty military service outside the
- 2534 state in an active component of the United States Armed Forces or a reserve component
- 2535 of the United States Armed Forces, if the days of active duty military service:
- 2536 (a) were completed in the year before an individual applies for an exemption described
- 2537 in Section 59-2-1902; and
- 2538 (b) have not previously been counted as qualifying active duty military service for
- 2539 purposes of qualifying for an exemption described in Section 59-2-1902 or applying
- 2540 for the exemption described in Section 59-2-1902.
- 2541 [~~(9) "Statement of disability" means the statement of disability described in Section~~
- 2542 ~~59-2-1904.]~~
- 2543 [(10)] (9) "Reserve component of the United States Armed Forces" means the same as that
- 2544 term is defined in Section 59-10-1027.

- 2545 ~~[(11)]~~ (10) "Residence" means real property where an individual resides, including:
- 2546 (a) a mobile home, as defined in Section 41-1a-102; or
- 2547 (b) a manufactured home, as defined in Section 41-1a-102.
- 2548 (11) "Statement of disability" means the statement of disability described in Section
- 2549 59-2-1904.
- 2550 (12) "Veteran claimant" means one of the following individuals who applies for an
- 2551 exemption described in Section 59-2-1903:
- 2552 (a) a veteran with a disability;
- 2553 (b) the unmarried surviving spouse:
- 2554 (i) of a deceased veteran with a disability; or
- 2555 (ii) a veteran who was killed in action or died in the line of duty; or
- 2556 (c) a minor orphan:
- 2557 (i) of a deceased veteran with a disability; or
- 2558 (ii) a veteran who was killed in action or died in the line of duty.
- 2559 (13) "Veteran who was killed in action or died in the line of duty" means an individual who
- 2560 was killed in action or died in the line of duty in an active component of the United
- 2561 States Armed Forces or a reserve component of the United States Armed Forces,
- 2562 regardless of whether that individual had a disability at the time that individual was
- 2563 killed in action or died in the line of duty.
- 2564 (14) "Veteran with a disability" means an individual with a disability who, during military
- 2565 training or a military conflict, acquired a disability in the line of duty in an active
- 2566 component of the United States Armed Forces or a reserve component of the United
- 2567 States Armed Forces, as determined by a military entity.
- 2568 Section 24. Section **59-12-102** is amended to read:
- 2569 **59-12-102 . Definitions.**
- 2570 As used in this chapter:
- 2571 (1) "800 service" means a telecommunications service that:
- 2572 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and
- 2573 (b) is typically marketed:
- 2574 (i) under the name 800 toll-free calling;
- 2575 (ii) under the name 855 toll-free calling;
- 2576 (iii) under the name 866 toll-free calling;
- 2577 (iv) under the name 877 toll-free calling;
- 2578 (v) under the name 888 toll-free calling; or

- 2579 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the
2580 Federal Communications Commission.
- 2581 (2)(a) "900 service" means an inbound toll telecommunications service that:
- 2582 (i) a subscriber purchases;
- 2583 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
2584 the subscriber's:
- 2585 (A) prerecorded announcement; or
2586 (B) live service; and
- 2587 (iii) is typically marketed:
- 2588 (A) under the name 900 service; or
2589 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
2590 Communications Commission.
- 2591 (b) "900 service" does not include a charge for:
- 2592 (i) a collection service a seller of a telecommunications service provides to a
2593 subscriber; or
- 2594 (ii) the following a subscriber sells to the subscriber's customer:
- 2595 (A) a product; or
2596 (B) a service.
- 2597 (3)(a) "Admission or user fees" includes season passes.
- 2598 (b) "Admission or user fees" does not include:
- 2599 (i) annual membership dues to private organizations; or
2600 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a
2601 facility listed in Subsection 59-12-103(1)(f).
- 2602 (4) "Affiliate" or "affiliated person" means a person that, with respect to another person:
- 2603 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other
2604 person; or
- 2605 (b) is related to the other person because a third person, or a group of third persons who
2606 are affiliated persons with respect to each other, holds an ownership interest of more
2607 than 5%, whether direct or indirect, in the related persons.
- 2608 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
2609 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
2610 Agreement after November 12, 2002.
- 2611 (6) "Agreement combined tax rate" means the sum of the tax rates:
- 2612 (a) listed under Subsection (7); and

- 2613 (b) that are imposed within a local taxing jurisdiction.
- 2614 (7) "Agreement sales and use tax" means a tax imposed under:
- 2615 (a) Subsection 59-12-103(2)(a)(i)(A);
- 2616 (b) Subsection 59-12-103(2)(b)(i);
- 2617 (c) Subsection 59-12-103(2)(c)(i);
- 2618 (d) Subsection 59-12-103(2)(d);
- 2619 (e) Subsection [~~59-12-103(2)(e)(i)(A)(I)~~] 59-12-103(2)(f)(i)(A)(I);
- 2620 (f) Section 59-12-204;
- 2621 (g) Section 59-12-401;
- 2622 (h) Section 59-12-402;
- 2623 (i) Section 59-12-402.1;
- 2624 (j) Section 59-12-703;
- 2625 (k) Section 59-12-802;
- 2626 (l) Section 59-12-804;
- 2627 (m) Section 59-12-1102;
- 2628 (n) Section 59-12-1302;
- 2629 (o) Section 59-12-1402;
- 2630 (p) Section 59-12-1802;
- 2631 (q) Section 59-12-2003;
- 2632 (r) Section 59-12-2103;
- 2633 (s) Section 59-12-2213;
- 2634 (t) Section 59-12-2214;
- 2635 (u) Section 59-12-2215;
- 2636 (v) Section 59-12-2216;
- 2637 (w) Section 59-12-2217;
- 2638 (x) Section 59-12-2218;
- 2639 (y) Section 59-12-2219; or
- 2640 (z) Section 59-12-2220.
- 2641 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 2642 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 2643 (a) except for:
- 2644 (i) an airline as defined in Section 59-2-102; or
- 2645 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
- 2646 includes a corporation that is qualified to do business but is not otherwise doing

- 2647 business in the state, of an airline; and
- 2648 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 2649 whether the business entity performs the following in this state:
- 2650 (i) check, diagnose, overhaul, and repair:
- 2651 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 2652 (B) the parts that comprise an onboard system of a fixed wing turbine powered
- 2653 aircraft;
- 2654 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered
- 2655 aircraft engine;
- 2656 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 2657 aircraft:
- 2658 (A) an inspection;
- 2659 (B) a repair, including a structural repair or modification;
- 2660 (C) changing landing gear; and
- 2661 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 2662 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft
- 2663 and completely apply new paint to the fixed wing turbine powered aircraft; and
- 2664 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 2665 results in a change in the fixed wing turbine powered aircraft's certification
- 2666 requirements by the authority that certifies the fixed wing turbine powered aircraft.
- 2667 (10) "Alcoholic beverage" means a beverage that:
- 2668 (a) is suitable for human consumption; and
- 2669 (b) contains .5% or more alcohol by volume.
- 2670 (11) "Alternative energy" means:
- 2671 (a) biomass energy;
- 2672 (b) geothermal energy;
- 2673 (c) hydroelectric energy;
- 2674 (d) solar energy;
- 2675 (e) wind energy; or
- 2676 (f) energy that is derived from:
- 2677 (i) coal-to-liquids;
- 2678 (ii) nuclear fuel;
- 2679 (iii) oil-impregnated diatomaceous earth;
- 2680 (iv) oil sands;

- 2681 (v) oil shale;
- 2682 (vi) petroleum coke; or
- 2683 (vii) waste heat from:
- 2684 (A) an industrial facility; or
- 2685 (B) a power station in which an electric generator is driven through a process in
- 2686 which water is heated, turns into steam, and spins a steam turbine.
- 2687 (12)(a) Subject to Subsection (12)(b), "alternative energy electricity production facility"
- 2688 means a facility that:
- 2689 (i) uses alternative energy to produce electricity; and
- 2690 (ii) has a production capacity of two megawatts or greater.
- 2691 (b) A facility is an alternative energy electricity production facility regardless of whether
- 2692 the facility is:
- 2693 (i) connected to an electric grid; or
- 2694 (ii) located on the premises of an electricity consumer.
- 2695 (13)(a) "Ancillary service" means a service associated with, or incidental to, the
- 2696 provision of telecommunications service.
- 2697 (b) "Ancillary service" includes:
- 2698 (i) a conference bridging service;
- 2699 (ii) a detailed communications billing service;
- 2700 (iii) directory assistance;
- 2701 (iv) a vertical service; or
- 2702 (v) a voice mail service.
- 2703 (14) "Area agency on aging" means the same as that term is defined in Section 26B-6-101.
- 2704 (15) "Assisted amusement device" means an amusement device, skill device, or ride device
- 2705 that is started and stopped by an individual:
- 2706 (a) who is not the purchaser or renter of the right to use or operate the amusement
- 2707 device, skill device, or ride device; and
- 2708 (b) at the direction of the seller of the right to use the amusement device, skill device, or
- 2709 ride device.
- 2710 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or
- 2711 washing of tangible personal property if the cleaning or washing labor is primarily
- 2712 performed by an individual:
- 2713 (a) who is not the purchaser of the cleaning or washing of the tangible personal property;
- 2714 and

- 2715 (b) at the direction of the seller of the cleaning or washing of the tangible personal
2716 property.
- 2717 (17) "Authorized carrier" means:
- 2718 (a) in the case of vehicles operated over public highways, the holder of credentials
2719 indicating that the vehicle is or will be operated pursuant to both the International
2720 Registration Plan and the International Fuel Tax Agreement;
- 2721 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
2722 certificate or air carrier's operating certificate; or
- 2723 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
2724 stock, a person who uses locomotives, freight cars, railroad work equipment, or other
2725 rolling stock in more than one state.
- 2726 (18)(a) "Biomass energy" means any of the following that is used as the primary source
2727 of energy to produce fuel or electricity:
- 2728 (i) material from a plant or tree; or
- 2729 (ii) other organic matter that is available on a renewable basis, including:
- 2730 (A) slash and brush from forests and woodlands;
- 2731 (B) animal waste;
- 2732 (C) waste vegetable oil;
- 2733 (D) methane or synthetic gas produced at a landfill, as a byproduct of the
2734 treatment of wastewater residuals, or through the conversion of a waste
2735 material through a nonincineration, thermal conversion process;
- 2736 (E) aquatic plants; and
- 2737 (F) agricultural products.
- 2738 (b) "Biomass energy" does not include:
- 2739 (i) black liquor; or
- 2740 (ii) treated woods.
- 2741 (19)(a) "Bundled transaction" means the sale of two or more items of tangible personal
2742 property, products, or services if the tangible personal property, products, or services
2743 are:
- 2744 (i) distinct and identifiable; and
- 2745 (ii) sold for one nonitemized price.
- 2746 (b) "Bundled transaction" does not include:
- 2747 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
2748 the basis of the selection by the purchaser of the items of tangible personal

- 2749 property included in the transaction;
- 2750 (ii) the sale of real property;
- 2751 (iii) the sale of services to real property;
- 2752 (iv) the retail sale of tangible personal property and a service if:
- 2753 (A) the tangible personal property:
- 2754 (I) is essential to the use of the service; and
- 2755 (II) is provided exclusively in connection with the service; and
- 2756 (B) the service is the true object of the transaction;
- 2757 (v) the retail sale of two services if:
- 2758 (A) one service is provided that is essential to the use or receipt of a second
- 2759 service;
- 2760 (B) the first service is provided exclusively in connection with the second service;
- 2761 and
- 2762 (C) the second service is the true object of the transaction;
- 2763 (vi) a transaction that includes tangible personal property or a product subject to
- 2764 taxation under this chapter and tangible personal property or a product that is not
- 2765 subject to taxation under this chapter if the:
- 2766 (A) seller's purchase price of the tangible personal property or product subject to
- 2767 taxation under this chapter is de minimis; or
- 2768 (B) seller's sales price of the tangible personal property or product subject to
- 2769 taxation under this chapter is de minimis; and
- 2770 (vii) the retail sale of tangible personal property that is not subject to taxation under
- 2771 this chapter and tangible personal property that is subject to taxation under this
- 2772 chapter if:
- 2773 (A) that retail sale includes:
- 2774 (I) food and food ingredients;
- 2775 (II) a drug;
- 2776 (III) durable medical equipment;
- 2777 (IV) mobility enhancing equipment;
- 2778 (V) an over-the-counter drug;
- 2779 (VI) a prosthetic device; or
- 2780 (VII) a medical supply; and
- 2781 (B) subject to Subsection (19)(f):
- 2782 (I) the seller's purchase price of the tangible personal property subject to

2783 taxation under this chapter is 50% or less of the seller's total purchase price
2784 of that retail sale; or

2785 (II) the seller's sales price of the tangible personal property subject to taxation
2786 under this chapter is 50% or less of the seller's total sales price of that retail
2787 sale.

2788 (c)(i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or
2789 a service that is distinct and identifiable does not include:

2790 (A) packaging that:

2791 (I) accompanies the sale of the tangible personal property, product, or service;
2792 and

2793 (II) is incidental or immaterial to the sale of the tangible personal property,
2794 product, or service;

2795 (B) tangible personal property, a product, or a service provided free of charge with
2796 the purchase of another item of tangible personal property, a product, or a
2797 service; or

2798 (C) an item of tangible personal property, a product, or a service included in the
2799 definition of "purchase price."

2800 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
2801 product, or a service is provided free of charge with the purchase of another item
2802 of tangible personal property, a product, or a service if the sales price of the
2803 purchased item of tangible personal property, product, or service does not vary
2804 depending on the inclusion of the tangible personal property, product, or service
2805 provided free of charge.

2806 (d)(i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price
2807 does not include a price that is separately identified by tangible personal property,
2808 product, or service on the following, regardless of whether the following is in
2809 paper format or electronic format:

2810 (A) a binding sales document; or

2811 (B) another supporting sales-related document that is available to a purchaser.

2812 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another
2813 supporting sales-related document that is available to a purchaser includes:

2814 (A) a bill of sale;

2815 (B) a contract;

2816 (C) an invoice;

- 2817 (D) a lease agreement;
- 2818 (E) a periodic notice of rates and services;
- 2819 (F) a price list;
- 2820 (G) a rate card;
- 2821 (H) a receipt; or
- 2822 (I) a service agreement.
- 2823 (e)(i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal
- 2824 property or a product subject to taxation under this chapter is de minimis if:
- 2825 (A) the seller's purchase price of the tangible personal property or product is 10%
- 2826 or less of the seller's total purchase price of the bundled transaction; or
- 2827 (B) the seller's sales price of the tangible personal property or product is 10% or
- 2828 less of the seller's total sales price of the bundled transaction.
- 2829 (ii) For purposes of Subsection (19)(b)(vi), a seller:
- 2830 (A) shall use the seller's purchase price or the seller's sales price to determine if
- 2831 the purchase price or sales price of the tangible personal property or product
- 2832 subject to taxation under this chapter is de minimis; and
- 2833 (B) may not use a combination of the seller's purchase price and the seller's sales
- 2834 price to determine if the purchase price or sales price of the tangible personal
- 2835 property or product subject to taxation under this chapter is de minimis.
- 2836 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service
- 2837 contract to determine if the sales price of tangible personal property or a product is
- 2838 de minimis.
- 2839 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of the
- 2840 seller's purchase price and the seller's sales price to determine if tangible personal
- 2841 property subject to taxation under this chapter is 50% or less of the seller's total
- 2842 purchase price or sales price of that retail sale.
- 2843 (20) "Car sharing" means the same as that term is defined in Section 13-48a-101.
- 2844 (21) "Car-sharing program" means the same as that term is defined in Section 13-48a-101.
- 2845 (22) "Certified automated system" means software certified by the governing board of the
- 2846 agreement that:
- 2847 (a) calculates the agreement sales and use tax imposed within a local taxing jurisdiction:
- 2848 (i) on a transaction; and
- 2849 (ii) in the states that are members of the agreement;
- 2850 (b) determines the amount of agreement sales and use tax to remit to a state that is a

- 2851 member of the agreement; and
- 2852 (c) maintains a record of the transaction described in Subsection (22)(a)(i).
- 2853 (23) "Certified service provider" means an agent certified:
- 2854 (a) by the governing board of the agreement; and
- 2855 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax, as
- 2856 outlined in the contract between the governing board of the agreement and the
- 2857 certified service provider, other than the seller's obligation under Section 59-12-124
- 2858 to remit a tax on the seller's own purchases.
- 2859 (24)(a) Subject to Subsection (24)(b), "clothing" means all human wearing apparel
- 2860 suitable for general use.
- 2861 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2862 commission shall make rules:
- 2863 (i) listing the items that constitute "clothing"; and
- 2864 (ii) that are consistent with the list of items that constitute "clothing" under the
- 2865 agreement.
- 2866 (25) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
- 2867 (26) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels
- 2868 that does not constitute industrial use under Subsection (60) or residential use under
- 2869 Subsection (115).
- 2870 (27)(a) "Common carrier" means a person engaged in or transacting the business of
- 2871 transporting passengers, freight, merchandise, or other property for hire within this
- 2872 state.
- 2873 (b)(i) "Common carrier" does not include a person that, at the time the person is
- 2874 traveling to or from that person's place of employment, transports a passenger to
- 2875 or from the passenger's place of employment.
- 2876 (ii) For purposes of Subsection (27)(b)(i), in accordance with Title 63G, Chapter 3,
- 2877 Utah Administrative Rulemaking Act, the commission may make rules defining
- 2878 what constitutes a person's place of employment.
- 2879 (c) "Common carrier" does not include a person that provides transportation network
- 2880 services, as defined in Section 13-51-102.
- 2881 (28) "Component part" includes:
- 2882 (a) poultry, dairy, and other livestock feed, and their components;
- 2883 (b) baling ties and twine used in the baling of hay and straw;
- 2884 (c) fuel used for providing temperature control of orchards and commercial greenhouses

- 2885 doing a majority of their business in wholesale sales, and for providing power for
2886 off-highway type farm machinery; and
2887 (d) feed, seeds, and seedlings.
- 2888 (29) "Computer" means an electronic device that accepts information:
2889 (a)(i) in digital form; or
2890 (ii) in a form similar to digital form; and
2891 (b) manipulates that information for a result based on a sequence of instructions.
- 2892 (30) "Computer software" means a set of coded instructions designed to cause:
2893 (a) a computer to perform a task; or
2894 (b) automatic data processing equipment to perform a task.
- 2895 (31) "Computer software maintenance contract" means a contract that obligates a seller of
2896 computer software to provide a customer with:
2897 (a) future updates or upgrades to computer software;
2898 (b) support services with respect to computer software; or
2899 (c) a combination of Subsections (31)(a) and (b).
- 2900 (32)(a) "Conference bridging service" means an ancillary service that links two or more
2901 participants of an audio conference call or video conference call.
2902 (b) "Conference bridging service" may include providing a telephone number as part of
2903 the ancillary service described in Subsection (32)(a).
2904 (c) "Conference bridging service" does not include a telecommunications service used to
2905 reach the ancillary service described in Subsection (32)(a).
- 2906 (33) "Construction materials" means any tangible personal property that will be converted
2907 into real property.
- 2908 (34) "Delivered electronically" means delivered to a purchaser by means other than tangible
2909 storage media.
- 2910 (35)(a) "Delivery charge" means a charge:
2911 (i) by a seller of:
2912 (A) tangible personal property;
2913 (B) a product transferred electronically; or
2914 (C) a service; and
2915 (ii) for preparation and delivery of the tangible personal property, product transferred
2916 electronically, or services described in Subsection (35)(a)(i) to a location
2917 designated by the purchaser.
- 2918 (b) "Delivery charge" includes a charge for the following:

- 2919 (i) transportation;
- 2920 (ii) shipping;
- 2921 (iii) postage;
- 2922 (iv) handling;
- 2923 (v) crating; or
- 2924 (vi) packing.
- 2925 (36) "Detailed telecommunications billing service" means an ancillary service of separately
- 2926 stating information pertaining to individual calls on a customer's billing statement.
- 2927 (37) "Dietary supplement" means a product, other than tobacco, that:
- 2928 (a) is intended to supplement the diet;
- 2929 (b) contains one or more of the following dietary ingredients:
- 2930 (i) a vitamin;
- 2931 (ii) a mineral;
- 2932 (iii) an herb or other botanical;
- 2933 (iv) an amino acid;
- 2934 (v) a dietary substance for use by humans to supplement the diet by increasing the
- 2935 total dietary intake; or
- 2936 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 2937 described in Subsections (37)(b)(i) through (v);
- 2938 (c)(i) except as provided in Subsection (37)(c)(ii), is intended for ingestion in:
- 2939 (A) tablet form;
- 2940 (B) capsule form;
- 2941 (C) powder form;
- 2942 (D) softgel form;
- 2943 (E) gelcap form; or
- 2944 (F) liquid form; or
- 2945 (ii) if the product is not intended for ingestion in a form described in Subsections
- 2946 (37)(c)(i)(A) through (F), is not represented:
- 2947 (A) as conventional food; and
- 2948 (B) for use as a sole item of:
- 2949 (I) a meal; or
- 2950 (II) the diet; and
- 2951 (d) is required to be labeled as a dietary supplement:
- 2952 (i) identifiable by the "Supplemental Facts" box found on the label; and

- 2953 (ii) as required by 21 C.F.R. Sec. 101.36.
- 2954 (38)(a) "Digital audio work" means a work that results from the fixation of a series of
2955 musical, spoken, or other sounds.
- 2956 (b) "Digital audio work" includes a ringtone.
- 2957 (39) "Digital audio-visual work" means a series of related images which, when shown in
2958 succession, imparts an impression of motion, together with accompanying sounds, if any.
- 2959 (40) "Digital book" means a work that is generally recognized in the ordinary and usual
2960 sense as a book.
- 2961 (41)(a) "Direct mail" means printed material delivered or distributed by United States
2962 mail or other delivery service:
- 2963 (i) to:
- 2964 (A) a mass audience; or
- 2965 (B) addressees on a mailing list provided:
- 2966 (I) by a purchaser of the mailing list; or
- 2967 (II) at the discretion of the purchaser of the mailing list; and
- 2968 (ii) if the cost of the printed material is not billed directly to the recipients.
- 2969 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
2970 purchaser to a seller of direct mail for inclusion in a package containing the printed
2971 material.
- 2972 (c) "Direct mail" does not include multiple items of printed material delivered to a single
2973 address.
- 2974 (42) "Directory assistance" means an ancillary service of providing:
- 2975 (a) address information; or
- 2976 (b) telephone number information.
- 2977 (43)(a) "Disposable home medical equipment or supplies" means medical equipment or
2978 supplies that:
- 2979 (i) cannot withstand repeated use; and
- 2980 (ii) are purchased by, for, or on behalf of a person other than:
- 2981 (A) a health care facility as defined in Section 26B-2-201;
- 2982 (B) a health care provider as defined in Section 78B-3-403;
- 2983 (C) an office of a health care provider described in Subsection (43)(a)(ii)(B); or
- 2984 (D) a person similar to a person described in Subsections (43)(a)(ii)(A) through
2985 (C).
- 2986 (b) "Disposable home medical equipment or supplies" does not include:

- 2987 (i) a drug;
- 2988 (ii) durable medical equipment;
- 2989 (iii) a hearing aid;
- 2990 (iv) a hearing aid accessory;
- 2991 (v) mobility enhancing equipment; or
- 2992 (vi) tangible personal property used to correct impaired vision, including:
- 2993 (A) eyeglasses; or
- 2994 (B) contact lenses.
- 2995 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2996 commission may by rule define what constitutes medical equipment or supplies.
- 2997 (44) "Drilling equipment manufacturer" means a facility:
- 2998 (a) located in the state;
- 2999 (b) with respect to which 51% or more of the manufacturing activities of the facility
- 3000 consist of manufacturing component parts of drilling equipment;
- 3001 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
- 3002 manufacturing process; and
- 3003 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
- 3004 manufacturing process.
- 3005 (45)(a) "Drug" means a compound, substance, or preparation, or a component of a
- 3006 compound, substance, or preparation that is:
- 3007 (i) recognized in:
- 3008 (A) the official United States Pharmacopoeia;
- 3009 (B) the official Homeopathic Pharmacopoeia of the United States;
- 3010 (C) the official National Formulary; or
- 3011 (D) a supplement to a publication listed in Subsections (45)(a)(i)(A) through (C);
- 3012 (ii) intended for use in the:
- 3013 (A) diagnosis of disease;
- 3014 (B) cure of disease;
- 3015 (C) mitigation of disease;
- 3016 (D) treatment of disease; or
- 3017 (E) prevention of disease; or
- 3018 (iii) intended to affect:
- 3019 (A) the structure of the body; or
- 3020 (B) any function of the body.

- 3021 (b) "Drug" does not include:
- 3022 (i) food and food ingredients;
- 3023 (ii) a dietary supplement;
- 3024 (iii) an alcoholic beverage; or
- 3025 (iv) a prosthetic device.
- 3026 (46)(a) "Durable medical equipment" means equipment that:
- 3027 (i) can withstand repeated use;
- 3028 (ii) is primarily and customarily used to serve a medical purpose;
- 3029 (iii) generally is not useful to a person in the absence of illness or injury; and
- 3030 (iv) is not worn in or on the body.
- 3031 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 3032 equipment described in Subsection (46)(a).
- 3033 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 3034 (47) "Electronic" means:
- 3035 (a) relating to technology; and
- 3036 (b) having:
- 3037 (i) electrical capabilities;
- 3038 (ii) digital capabilities;
- 3039 (iii) magnetic capabilities;
- 3040 (iv) wireless capabilities;
- 3041 (v) optical capabilities;
- 3042 (vi) electromagnetic capabilities; or
- 3043 (vii) capabilities similar to Subsections (47)(b)(i) through (vi).
- 3044 (48) "Electronic financial payment service" means an establishment:
- 3045 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and
- 3046 Clearinghouse Activities, of the 2012 North American Industry Classification System
- 3047 of the federal Executive Office of the President, Office of Management and Budget;
- 3048 and
- 3049 (b) that performs electronic financial payment services.
- 3050 (49) "Employee" means the same as that term is defined in Section 59-10-401.
- 3051 (50) "Fixed guideway" means a public transit facility that uses and occupies:
- 3052 (a) rail for the use of public transit; or
- 3053 (b) a separate right-of-way for the use of public transit.
- 3054 (51) "Fixed wing turbine powered aircraft" means an aircraft that:

- 3055 (a) is powered by turbine engines;
- 3056 (b) operates on jet fuel; and
- 3057 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 3058 (52) "Fixed wireless service" means a telecommunications service that provides radio
- 3059 communication between fixed points.
- 3060 (53)(a) "Food and food ingredients" means substances:
- 3061 (i) regardless of whether the substances are in:
- 3062 (A) liquid form;
- 3063 (B) concentrated form;
- 3064 (C) solid form;
- 3065 (D) frozen form;
- 3066 (E) dried form; or
- 3067 (F) dehydrated form; and
- 3068 (ii) that are:
- 3069 (A) sold for:
- 3070 (I) ingestion by humans; or
- 3071 (II) chewing by humans; and
- 3072 (B) consumed for the substance's:
- 3073 (I) taste; or
- 3074 (II) nutritional value.
- 3075 (b) "Food and food ingredients" includes an item described in Subsection (99)(b)(iii).
- 3076 (c) "Food and food ingredients" does not include:
- 3077 (i) an alcoholic beverage;
- 3078 (ii) tobacco; or
- 3079 (iii) prepared food.
- 3080 (54)(a) "Fundraising sales" means sales:
- 3081 (i)(A) made by a school; or
- 3082 (B) made by a school student;
- 3083 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 3084 materials, or provide transportation; and
- 3085 (iii) that are part of an officially sanctioned school activity.
- 3086 (b) For purposes of Subsection (54)(a)(iii), "officially sanctioned school activity" means
- 3087 a school activity:
- 3088 (i) that is conducted in accordance with a formal policy adopted by the school or

- 3089 school district governing the authorization and supervision of fundraising
 3090 activities;
- 3091 (ii) that does not directly or indirectly compensate an individual teacher or other
 3092 educational personnel by direct payment, commissions, or payment in kind; and
 3093 (iii) the net or gross revenue from which is deposited in a dedicated account
 3094 controlled by the school or school district.
- 3095 (55) "Geothermal energy" means energy contained in heat that continuously flows outward
 3096 from the earth that is used as the sole source of energy to produce electricity.
- 3097 (56) "Governing board of the agreement" means the governing board of the agreement that
 3098 is:
- 3099 (a) authorized to administer the agreement; and
 3100 (b) established in accordance with the agreement.
- 3101 (57)(a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
- 3102 (i) the executive branch of the state, including all departments, institutions, boards,
 3103 divisions, bureaus, offices, commissions, and committees;
- 3104 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
 3105 Administrative Office of the Courts, and similar administrative units in the
 3106 judicial branch;
- 3107 (iii) the legislative branch of the state, including the House of Representatives, the
 3108 Senate, the Legislative Printing Office, the Office of Legislative Research and
 3109 General Counsel, the Office of the Legislative Auditor General, and the Office of
 3110 the Legislative Fiscal Analyst;
- 3111 (iv) the National Guard;
- 3112 (v) an independent entity as defined in Section 63E-1-102; or
 3113 (vi) a political subdivision as defined in Section 17B-1-102.
- 3114 (b) "Governmental entity" does not include the state systems of public and higher
 3115 education, including:
- 3116 (i) a school;
- 3117 (ii) the State Board of Education;
- 3118 (iii) the Utah Board of Higher Education; or
 3119 (iv) an institution of higher education described in Section 53B-1-102.
- 3120 (58) "Hydroelectric energy" means water used as the sole source of energy to produce
 3121 electricity.
- 3122 (59) "Individual-owned shared vehicle" means the same as that term is defined in Section

- 3123 13-48a-101.
- 3124 (60) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other
- 3125 fuels:
- 3126 (a) in mining or extraction of minerals;
- 3127 (b) in agricultural operations to produce an agricultural product up to the time of harvest
- 3128 or placing the agricultural product into a storage facility, including:
- 3129 (i) commercial greenhouses;
- 3130 (ii) irrigation pumps;
- 3131 (iii) farm machinery;
- 3132 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered
- 3133 under Title 41, Chapter 1a, Part 2, Registration; and
- 3134 (v) other farming activities;
- 3135 (c) in manufacturing tangible personal property at an establishment described in:
- 3136 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
- 3137 the federal Executive Office of the President, Office of Management and Budget;
- 3138 or
- 3139 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
- 3140 American Industry Classification System of the federal Executive Office of the
- 3141 President, Office of Management and Budget;
- 3142 (d) by a scrap recycler if:
- 3143 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
- 3144 process one or more of the following items into prepared grades of processed
- 3145 materials for use in new products:
- 3146 (A) iron;
- 3147 (B) steel;
- 3148 (C) nonferrous metal;
- 3149 (D) paper;
- 3150 (E) glass;
- 3151 (F) plastic;
- 3152 (G) textile; or
- 3153 (H) rubber; and
- 3154 (ii) the new products under Subsection (60)(d)(i) would otherwise be made with
- 3155 nonrecycled materials; or
- 3156 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a

- 3157 cogeneration facility as defined in Section 54-2-1.
- 3158 (61)(a) "Installation charge" means a charge for installing:
- 3159 (i) tangible personal property; or
- 3160 (ii) a product transferred electronically.
- 3161 (b) "Installation charge" does not include a charge for:
- 3162 (i) repairs or renovations of:
- 3163 (A) tangible personal property; or
- 3164 (B) a product transferred electronically; or
- 3165 (ii) attaching tangible personal property or a product transferred electronically:
- 3166 (A) to other tangible personal property; and
- 3167 (B) as part of a manufacturing or fabrication process.
- 3168 (62) "Institution of higher education" means an institution of higher education listed in
- 3169 Section 53B-2-101.
- 3170 (63)(a) "Lease" or "rental" means a transfer of possession or control of tangible personal
- 3171 property or a product transferred electronically for:
- 3172 (i)(A) a fixed term; or
- 3173 (B) an indeterminate term; and
- 3174 (ii) consideration.
- 3175 (b) "Lease" or "rental" includes:
- 3176 (i) an agreement covering a motor vehicle and trailer if the amount of consideration
- 3177 may be increased or decreased by reference to the amount realized upon sale or
- 3178 disposition of the property as defined in Section 7701(h)(1), Internal Revenue
- 3179 Code; and
- 3180 (ii) car sharing.
- 3181 (c) "Lease" or "rental" does not include:
- 3182 (i) a transfer of possession or control of property under a security agreement or
- 3183 deferred payment plan that requires the transfer of title upon completion of the
- 3184 required payments;
- 3185 (ii) a transfer of possession or control of property under an agreement that requires
- 3186 the transfer of title:
- 3187 (A) upon completion of required payments; and
- 3188 (B) if the payment of an option price does not exceed the greater of:
- 3189 (I) \$100; or
- 3190 (II) 1% of the total required payments; or

- 3191 (iii) providing tangible personal property along with an operator for a fixed period of
3192 time or an indeterminate period of time if the operator is necessary for equipment
3193 to perform as designed.
- 3194 (d) For purposes of Subsection (63)(c)(iii), an operator is necessary for equipment to
3195 perform as designed if the operator's duties exceed the:
- 3196 (i) set-up of tangible personal property;
3197 (ii) maintenance of tangible personal property; or
3198 (iii) inspection of tangible personal property.
- 3199 (64) "Lesson" means a fixed period of time for the duration of which a trained instructor:
3200 (a) is present with a student in person or by video; and
3201 (b) actively instructs the student, including by providing observation or feedback.
- 3202 (65) "Life science establishment" means an establishment in this state that is classified
3203 under the following NAICS codes of the 2007 North American Industry Classification
3204 System of the federal Executive Office of the President, Office of Management and
3205 Budget:
- 3206 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
3207 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
3208 Manufacturing; or
3209 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
- 3210 (66) "Life science research and development facility" means a facility owned, leased, or
3211 rented by a life science establishment if research and development is performed in 51%
3212 or more of the total area of the facility.
- 3213 (67) "Load and leave" means delivery to a purchaser by use of a tangible storage media if
3214 the tangible storage media is not physically transferred to the purchaser.
- 3215 (68) "Local taxing jurisdiction" means a:
- 3216 (a) county that is authorized to impose an agreement sales and use tax;
3217 (b) city that is authorized to impose an agreement sales and use tax; or
3218 (c) town that is authorized to impose an agreement sales and use tax.
- 3219 (69) "Manufactured home" means the same as that term is defined in Section 15A-1-302.
- 3220 (70) "Manufacturing facility" means:
- 3221 (a) an establishment described in:
3222 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
3223 the federal Executive Office of the President, Office of Management and Budget;
3224 or

- 3225 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
 3226 American Industry Classification System of the federal Executive Office of the
 3227 President, Office of Management and Budget;
- 3228 (b) a scrap recycler if:
- 3229 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
 3230 process one or more of the following items into prepared grades of processed
 3231 materials for use in new products:
- 3232 (A) iron;
- 3233 (B) steel;
- 3234 (C) nonferrous metal;
- 3235 (D) paper;
- 3236 (E) glass;
- 3237 (F) plastic;
- 3238 (G) textile; or
- 3239 (H) rubber; and
- 3240 (ii) the new products under Subsection (70)(b)(i) would otherwise be made with
 3241 nonrecycled materials; or
- 3242 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
 3243 placed in service on or after May 1, 2006.
- 3244 (71)(a) "Marketplace" means a physical or electronic place, platform, or forum where
 3245 tangible personal property, a product transferred electronically, or a service is offered
 3246 for sale.
- 3247 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a dedicated
 3248 sales software application.
- 3249 (72)(a) "Marketplace facilitator" means a person, including an affiliate of the person,
 3250 that enters into a contract, an agreement, or otherwise with sellers, for consideration,
 3251 to facilitate the sale of a seller's product through a marketplace that the person owns,
 3252 operates, or controls and that directly or indirectly:
- 3253 (i) does any of the following:
- 3254 (A) lists, makes available, or advertises tangible personal property, a product
 3255 transferred electronically, or a service for sale by a marketplace seller on a
 3256 marketplace that the person owns, operates, or controls;
- 3257 (B) facilitates the sale of a marketplace seller's tangible personal property, product
 3258 transferred electronically, or service by transmitting or otherwise

- 3259 communicating an offer or acceptance of a retail sale between the marketplace
3260 seller and a purchaser using the marketplace;
- 3261 (C) owns, rents, licenses, makes available, or operates any electronic or physical
3262 infrastructure or any property, process, method, copyright, trademark, or patent
3263 that connects a marketplace seller to a purchaser for the purpose of making a
3264 retail sale of tangible personal property, a product transferred electronically, or
3265 a service;
- 3266 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of
3267 tangible personal property, a product transferred electronically, or a service,
3268 regardless of ownership or control of the tangible personal property, the
3269 product transferred electronically, or the service that is the subject of the retail
3270 sale;
- 3271 (E) provides software development or research and development activities related
3272 to any activity described in this Subsection (72)(a)(i), if the software
3273 development or research and development activity is directly related to the
3274 person's marketplace;
- 3275 (F) provides or offers fulfillment or storage services for a marketplace seller;
- 3276 (G) sets prices for the sale of tangible personal property, a product transferred
3277 electronically, or a service by a marketplace seller;
- 3278 (H) provides or offers customer service to a marketplace seller or a marketplace
3279 seller's purchaser or accepts or assists with taking orders, returns, or exchanges
3280 of tangible personal property, a product transferred electronically, or a service
3281 sold by a marketplace seller on the person's marketplace; or
- 3282 (I) brands or otherwise identifies sales as those of the person; and
- 3283 (ii) does any of the following:
- 3284 (A) collects the sales price or purchase price of a retail sale of tangible personal
3285 property, a product transferred electronically, or a service;
- 3286 (B) provides payment processing services for a retail sale of tangible personal
3287 property, a product transferred electronically, or a service;
- 3288 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee,
3289 closing fee, a fee for inserting or making available tangible personal property, a
3290 product transferred electronically, or a service on the person's marketplace, or
3291 other consideration for the facilitation of a retail sale of tangible personal
3292 property, a product transferred electronically, or a service, regardless of

- 3293 ownership or control of the tangible personal property, the product transferred
 3294 electronically, or the service that is the subject of the retail sale;
- 3295 (D) through terms and conditions, an agreement, or another arrangement with a
 3296 third person, collects payment from a purchase for a retail sale of tangible
 3297 personal property, a product transferred electronically, or a service and
 3298 transmits that payment to the marketplace seller, regardless of whether the
 3299 third person receives compensation or other consideration in exchange for the
 3300 service; or
- 3301 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
 3302 property, a product transferred electronically, or service offered for sale.
- 3303 (b) "Marketplace facilitator" does not include:
- 3304 (i) a person that only provides payment processing services; or
 3305 (ii) a person described in Subsection (72)(a) to the extent the person is facilitating a
 3306 sale for a seller that is a restaurant as defined in Section 59-12-602.
- 3307 (73) "Marketplace seller" means a seller that makes one or more retail sales through a
 3308 marketplace that a marketplace facilitator owns, operates, or controls, regardless of
 3309 whether the seller is required to be registered to collect and remit the tax under this part.
- 3310 (74) "Member of the immediate family of the producer" means a person who is related to a
 3311 producer described in Subsection 59-12-104(20)(a) as a:
- 3312 (a) child or stepchild, regardless of whether the child or stepchild is:
- 3313 (i) an adopted child or adopted stepchild; or
 3314 (ii) a foster child or foster stepchild;
- 3315 (b) grandchild or stepgrandchild;
- 3316 (c) grandparent or stepgrandparent;
- 3317 (d) nephew or stepnephew;
- 3318 (e) niece or stepniece;
- 3319 (f) parent or stepparent;
- 3320 (g) sibling or stepsibling;
- 3321 (h) spouse;
- 3322 (i) person who is the spouse of a person described in Subsections (74)(a) through (g); or
 3323 (j) person similar to a person described in Subsections (74)(a) through (i) as determined
 3324 by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
 3325 Administrative Rulemaking Act.
- 3326 (75) "Mobile home" means the same as that term is defined in Section 15A-1-302.

- 3327 (76) "Mobile telecommunications service" means the same as that term is defined in the
3328 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 3329 (77)(a) "Mobile wireless service" means a telecommunications service, regardless of the
3330 technology used, if:
- 3331 (i) the origination point of the conveyance, routing, or transmission is not fixed;
 - 3332 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
 - 3333 (iii) the origination point described in Subsection (77)(a)(i) and the termination point
3334 described in Subsection (77)(a)(ii) are not fixed.
- 3335 (b) "Mobile wireless service" includes a telecommunications service that is provided by
3336 a commercial mobile radio service provider.
- 3337 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3338 commission may by rule define "commercial mobile radio service provider."
- 3339 (78)(a) "Mobility enhancing equipment" means equipment that is:
- 3340 (i) primarily and customarily used to provide or increase the ability to move from one
3341 place to another;
 - 3342 (ii) appropriate for use in a:
 - 3343 (A) home; or
 - 3344 (B) motor vehicle; and
 - 3345 (iii) not generally used by persons with normal mobility.
- 3346 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
3347 the equipment described in Subsection (78)(a).
- 3348 (c) "Mobility enhancing equipment" does not include:
- 3349 (i) a motor vehicle;
 - 3350 (ii) equipment on a motor vehicle if that equipment is normally provided by the
3351 motor vehicle manufacturer;
 - 3352 (iii) durable medical equipment; or
 - 3353 (iv) a prosthetic device.
- 3354 (79) "Model 1 seller" means a seller registered under the agreement that has selected a
3355 certified service provider as the seller's agent to perform the seller's sales and use tax
3356 functions for agreement sales and use taxes, as outlined in the contract between the
3357 governing board of the agreement and the certified service provider, other than the
3358 seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.
- 3359 (80) "Model 2 seller" means a seller registered under the agreement that:
- 3360 (a) except as provided in Subsection (80)(b), has selected a certified automated system

- 3361 to perform the seller's sales tax functions for agreement sales and use taxes; and
- 3362 (b) retains responsibility for remitting all of the sales tax:
- 3363 (i) collected by the seller; and
- 3364 (ii) to the appropriate local taxing jurisdiction.
- 3365 (81)(a) Subject to Subsection (81)(b), "model 3 seller" means a seller registered under
- 3366 the agreement that has:
- 3367 (i) sales in at least five states that are members of the agreement;
- 3368 (ii) total annual sales revenue of at least \$500,000,000;
- 3369 (iii) a proprietary system that calculates the amount of tax:
- 3370 (A) for an agreement sales and use tax; and
- 3371 (B) due to each local taxing jurisdiction; and
- 3372 (iv) entered into a performance agreement with the governing board of the agreement.
- 3373 (b) For purposes of Subsection (81)(a), "model 3 seller" includes an affiliated group of
- 3374 sellers using the same proprietary system.
- 3375 (82) "Model 4 seller" means a seller that is registered under the agreement and is not a
- 3376 model 1 seller, model 2 seller, or model 3 seller.
- 3377 (83) "Modular home" means a modular unit as defined in Section 15A-1-302.
- 3378 (84) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 3379 (85) "Oil sands" means impregnated bituminous sands that:
- 3380 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
- 3381 other hydrocarbons, or otherwise treated;
- 3382 (b) yield mixtures of liquid hydrocarbon; and
- 3383 (c) require further processing other than mechanical blending before becoming finished
- 3384 petroleum products.
- 3385 (86) "Oil shale" means a group of fine black to dark brown shales containing kerogen
- 3386 material that yields petroleum upon heating and distillation.
- 3387 (87) "Optional computer software maintenance contract" means a computer software
- 3388 maintenance contract that a customer is not obligated to purchase as a condition to the
- 3389 retail sale of computer software.
- 3390 (88)(a) "Other fuels" means products that burn independently to produce heat or energy.
- 3391 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
- 3392 personal property.
- 3393 (89)(a) "Paging service" means a telecommunications service that provides transmission
- 3394 of a coded radio signal for the purpose of activating a specific pager.

- 3395 (b) For purposes of Subsection (89)(a), the transmission of a coded radio signal includes
3396 a transmission by message or sound.
- 3397 (90) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
- 3398 (91) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 3399 (92)(a) "Permanently attached to real property" means that for tangible personal property
3400 attached to real property:
- 3401 (i) the attachment of the tangible personal property to the real property:
- 3402 (A) is essential to the use of the tangible personal property; and
- 3403 (B) suggests that the tangible personal property will remain attached to the real
3404 property in the same place over the useful life of the tangible personal
3405 property; or
- 3406 (ii) if the tangible personal property is detached from the real property, the
3407 detachment would:
- 3408 (A) cause substantial damage to the tangible personal property; or
- 3409 (B) require substantial alteration or repair of the real property to which the
3410 tangible personal property is attached.
- 3411 (b) "Permanently attached to real property" includes:
- 3412 (i) the attachment of an accessory to the tangible personal property if the accessory is:
- 3413 (A) essential to the operation of the tangible personal property; and
- 3414 (B) attached only to facilitate the operation of the tangible personal property;
- 3415 (ii) a temporary detachment of tangible personal property from real property for a
3416 repair or renovation if the repair or renovation is performed where the tangible
3417 personal property and real property are located; or
- 3418 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
3419 Subsection (92)(c)(iii) or (iv).
- 3420 (c) "Permanently attached to real property" does not include:
- 3421 (i) the attachment of portable or movable tangible personal property to real property
3422 if that portable or movable tangible personal property is attached to real property
3423 only for:
- 3424 (A) convenience;
- 3425 (B) stability; or
- 3426 (C) for an obvious temporary purpose;
- 3427 (ii) the detachment of tangible personal property from real property except for the
3428 detachment described in Subsection (92)(b)(ii);

- 3429 (iii) an attachment of the following tangible personal property to real property if the
3430 attachment to real property is only through a line that supplies water, electricity,
3431 gas, telecommunications, cable, or supplies a similar item as determined by the
3432 commission by rule made in accordance with Title 63G, Chapter 3, Utah
3433 Administrative Rulemaking Act:
- 3434 (A) a computer;
 - 3435 (B) a telephone;
 - 3436 (C) a television; or
 - 3437 (D) tangible personal property similar to Subsections (92)(c)(iii)(A) through (C)
3438 as determined by the commission by rule made in accordance with Title 63G,
3439 Chapter 3, Utah Administrative Rulemaking Act; or
- 3440 (iv) an item listed in Subsection (137)(c).
- 3441 (93) "Person" includes any individual, firm, partnership, joint venture, association,
3442 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
3443 municipality, district, or other local governmental entity of the state, or any group or
3444 combination acting as a unit.
- 3445 (94) "Place of primary use":
- 3446 (a) for telecommunications service other than mobile telecommunications service,
3447 means the street address representative of where the customer's use of the
3448 telecommunications service primarily occurs, which shall be:
 - 3449 (i) the residential street address of the customer; or
 - 3450 (ii) the primary business street address of the customer; or
 - 3451 (b) for mobile telecommunications service, means the same as that term is defined in the
3452 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 3453 (95)(a) "Postpaid calling service" means a telecommunications service a person obtains
3454 by making a payment on a call-by-call basis:
- 3455 (i) through the use of a:
 - 3456 (A) bank card;
 - 3457 (B) credit card;
 - 3458 (C) debit card; or
 - 3459 (D) travel card; or
 - 3460 (ii) by a charge made to a telephone number that is not associated with the origination
3461 or termination of the telecommunications service.
- 3462 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling

- 3463 service, that would be a prepaid wireless calling service if the service were
3464 exclusively a telecommunications service.
- 3465 (96) "Postproduction" means an activity related to the finishing or duplication of a medium
3466 described in Subsection 59-12-104(54)(a).
- 3467 (97) "Prepaid calling service" means a telecommunications service:
- 3468 (a) that allows a purchaser access to telecommunications service that is exclusively
3469 telecommunications service;
- 3470 (b) that:
- 3471 (i) is paid for in advance; and
3472 (ii) enables the origination of a call using an:
- 3473 (A) access number; or
3474 (B) authorization code;
- 3475 (c) that is dialed:
- 3476 (i) manually; or
3477 (ii) electronically; and
- 3478 (d) sold in predetermined units or dollars that decline:
- 3479 (i) by a known amount; and
3480 (ii) with use.
- 3481 (98) "Prepaid wireless calling service" means a telecommunications service:
- 3482 (a) that provides the right to utilize:
- 3483 (i) mobile wireless service; and
3484 (ii) other service that is not a telecommunications service, including:
- 3485 (A) the download of a product transferred electronically;
3486 (B) a content service; or
3487 (C) an ancillary service;
- 3488 (b) that:
- 3489 (i) is paid for in advance; and
3490 (ii) enables the origination of a call using an:
- 3491 (A) access number; or
3492 (B) authorization code;
- 3493 (c) that is dialed:
- 3494 (i) manually; or
3495 (ii) electronically; and
3496 (d) sold in predetermined units or dollars that decline:

- 3497 (i) by a known amount; and
3498 (ii) with use.
- 3499 (99)(a) "Prepared food" means:
- 3500 (i) food:
- 3501 (A) sold in a heated state; or
3502 (B) heated by a seller;
- 3503 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
3504 item; or
- 3505 (iii) except as provided in Subsection (99)(c), food sold with an eating utensil
3506 provided by the seller, including a:
- 3507 (A) plate;
3508 (B) knife;
3509 (C) fork;
3510 (D) spoon;
3511 (E) glass;
3512 (F) cup;
3513 (G) napkin; or
3514 (H) straw.
- 3515 (b) "Prepared food" does not include:
- 3516 (i) food that a seller only:
- 3517 (A) cuts;
3518 (B) repackages; or
3519 (C) pasteurizes;
- 3520 (ii)(A) the following:
- 3521 (I) raw egg;
3522 (II) raw fish;
3523 (III) raw meat;
3524 (IV) raw poultry; or
3525 (V) a food containing an item described in Subsections (99)(b)(ii)(A)(I)
3526 through (IV); and
- 3527 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of
3528 the Food and Drug Administration's Food Code that a consumer cook the items
3529 described in Subsection (99)(b)(ii)(A) to prevent food borne illness; or
3530 (iii) the following if sold without eating utensils provided by the seller:

- 3531 (A) food and food ingredients sold by a seller if the seller's proper primary
3532 classification under the 2002 North American Industry Classification System
3533 of the federal Executive Office of the President, Office of Management and
3534 Budget, is manufacturing in Sector 311, Food Manufacturing, except for
3535 Subsector 3118, Bakeries and Tortilla Manufacturing;
- 3536 (B) food and food ingredients sold in an unheated state:
3537 (I) by weight or volume; and
3538 (II) as a single item; or
- 3539 (C) a bakery item, including:
3540 (I) a bagel;
3541 (II) a bar;
3542 (III) a biscuit;
3543 (IV) bread;
3544 (V) a bun;
3545 (VI) a cake;
3546 (VII) a cookie;
3547 (VIII) a croissant;
3548 (IX) a danish;
3549 (X) a donut;
3550 (XI) a muffin;
3551 (XII) a pastry;
3552 (XIII) a pie;
3553 (XIV) a roll;
3554 (XV) a tart;
3555 (XVI) a torte; or
3556 (XVII) a tortilla.
- 3557 (c) An eating utensil provided by the seller does not include the following used to
3558 transport the food:
3559 (i) a container; or
3560 (ii) packaging.
- 3561 (100) "Prescription" means an order, formula, or recipe that is issued:
3562 (a)(i) orally;
3563 (ii) in writing;
3564 (iii) electronically; or

- 3565 (iv) by any other manner of transmission; and
3566 (b) by a licensed practitioner authorized by the laws of a state.
- 3567 (101)(a) "Prewritten computer software" means computer software that is not designed
3568 and developed:
- 3569 (i) by the author or other creator of the computer software; and
3570 (ii) to the specifications of a specific purchaser.
- 3571 (b) "Prewritten computer software" includes:
- 3572 (i) a prewritten upgrade to computer software if the prewritten upgrade to the
3573 computer software is not designed and developed:
- 3574 (A) by the author or other creator of the computer software; and
3575 (B) to the specifications of a specific purchaser;
- 3576 (ii) computer software designed and developed by the author or other creator of the
3577 computer software to the specifications of a specific purchaser if the computer
3578 software is sold to a person other than the purchaser; or
- 3579 (iii) except as provided in Subsection (101)(c), prewritten computer software or a
3580 prewritten portion of prewritten computer software:
- 3581 (A) that is modified or enhanced to any degree; and
3582 (B) if the modification or enhancement described in Subsection (101)(b)(iii)(A) is
3583 designed and developed to the specifications of a specific purchaser.
- 3584 (c) "Prewritten computer software" does not include a modification or enhancement
3585 described in Subsection (101)(b)(iii) if the charges for the modification or
3586 enhancement are:
- 3587 (i) reasonable; and
3588 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), separately stated on the
3589 invoice or other statement of price provided to the purchaser at the time of sale or
3590 later, as demonstrated by:
- 3591 (A) the books and records the seller keeps at the time of the transaction in the
3592 regular course of business, including books and records the seller keeps at the
3593 time of the transaction in the regular course of business for nontax purposes;
3594 (B) a preponderance of the facts and circumstances at the time of the transaction;
3595 and
3596 (C) the understanding of all of the parties to the transaction.
- 3597 (102)(a) "Private communications service" means a telecommunications service:
3598 (i) that entitles a customer to exclusive or priority use of one or more

- 3599 communications channels between or among termination points; and
- 3600 (ii) regardless of the manner in which the one or more communications channels are
- 3601 connected.
- 3602 (b) "Private communications service" includes the following provided in connection
- 3603 with the use of one or more communications channels:
- 3604 (i) an extension line;
- 3605 (ii) a station;
- 3606 (iii) switching capacity; or
- 3607 (iv) another associated service that is provided in connection with the use of one or
- 3608 more communications channels as defined in Section 59-12-215.
- 3609 (103)(a) "Product transferred electronically" means a product transferred electronically
- 3610 that would be subject to a tax under this chapter if that product was transferred in a
- 3611 manner other than electronically.
- 3612 (b) "Product transferred electronically" does not include:
- 3613 (i) an ancillary service;
- 3614 (ii) computer software; or
- 3615 (iii) a telecommunications service.
- 3616 (104)(a) "Prosthetic device" means a device that is worn on or in the body to:
- 3617 (i) artificially replace a missing portion of the body;
- 3618 (ii) prevent or correct a physical deformity or physical malfunction; or
- 3619 (iii) support a weak or deformed portion of the body.
- 3620 (b) "Prosthetic device" includes:
- 3621 (i) parts used in the repairs or renovation of a prosthetic device;
- 3622 (ii) replacement parts for a prosthetic device;
- 3623 (iii) a dental prosthesis; or
- 3624 (iv) a hearing aid.
- 3625 (c) "Prosthetic device" does not include:
- 3626 (i) corrective eyeglasses; or
- 3627 (ii) contact lenses.
- 3628 (105)(a) "Protective equipment" means an item:
- 3629 (i) for human wear; and
- 3630 (ii) that is:
- 3631 (A) designed as protection:
- 3632 (I) to the wearer against injury or disease; or

3633 (II) against damage or injury of other persons or property; and

3634 (B) not suitable for general use.

3635 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3636 commission shall make rules:

3637 (i) listing the items that constitute "protective equipment"; and

3638 (ii) that are consistent with the list of items that constitute "protective equipment"
3639 under the agreement.

3640 (106)(a) For purposes of Subsection 59-12-104(41), "publication" means any written or
3641 printed matter, other than a photocopy:

3642 (i) regardless of:

3643 (A) characteristics;

3644 (B) copyright;

3645 (C) form;

3646 (D) format;

3647 (E) method of reproduction; or

3648 (F) source; and

3649 (ii) made available in printed or electronic format.

3650 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3651 commission may by rule define the term "photocopy."

3652 (107)(a) "Purchase price" and "sales price" mean the total amount of consideration:

3653 (i) valued in money; and

3654 (ii) for which tangible personal property, a product transferred electronically, or
3655 services are:

3656 (A) sold;

3657 (B) leased; or

3658 (C) rented.

3659 (b) "Purchase price" and "sales price" include:

3660 (i) the seller's cost of the tangible personal property, a product transferred
3661 electronically, or services sold;

3662 (ii) expenses of the seller, including:

3663 (A) the cost of materials used;

3664 (B) a labor cost;

3665 (C) a service cost;

3666 (D) interest;

- 3667 (E) a loss;
- 3668 (F) the cost of transportation to the seller; or
- 3669 (G) a tax imposed on the seller;
- 3670 (iii) a charge by the seller for any service necessary to complete the sale; or
- 3671 (iv) consideration a seller receives from a person other than the purchaser if:
- 3672 (A)(I) the seller actually receives consideration from a person other than the
- 3673 purchaser; and
- 3674 (II) the consideration described in Subsection (107)(b)(iv)(A)(I) is directly
- 3675 related to a price reduction or discount on the sale;
- 3676 (B) the seller has an obligation to pass the price reduction or discount through to
- 3677 the purchaser;
- 3678 (C) the amount of the consideration attributable to the sale is fixed and
- 3679 determinable by the seller at the time of the sale to the purchaser; and
- 3680 (D)(I)(Aa) the purchaser presents a certificate, coupon, or other
- 3681 documentation to the seller to claim a price reduction or discount; and
- 3682 (Bb) a person other than the seller authorizes, distributes, or grants the
- 3683 certificate, coupon, or other documentation with the understanding that
- 3684 the person other than the seller will reimburse any seller to whom the
- 3685 certificate, coupon, or other documentation is presented;
- 3686 (II) the purchaser identifies that purchaser to the seller as a member of a group
- 3687 or organization allowed a price reduction or discount, except that a
- 3688 preferred customer card that is available to any patron of a seller does not
- 3689 constitute membership in a group or organization allowed a price reduction
- 3690 or discount; or
- 3691 (III) the price reduction or discount is identified as a third party price reduction
- 3692 or discount on the:
- 3693 (Aa) invoice the purchaser receives; or
- 3694 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 3695 (c) "Purchase price" and "sales price" do not include:
- 3696 (i) a discount:
- 3697 (A) in a form including:
- 3698 (I) cash;
- 3699 (II) term; or
- 3700 (III) coupon;

- 3701 (B) that is allowed by a seller;
- 3702 (C) taken by a purchaser on a sale; and
- 3703 (D) that is not reimbursed by a third party; or
- 3704 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), the following if
- 3705 separately stated on an invoice, bill of sale, or similar document provided to the
- 3706 purchaser at the time of sale or later, as demonstrated by the books and records the
- 3707 seller keeps at the time of the transaction in the regular course of business,
- 3708 including books and records the seller keeps at the time of the transaction in the
- 3709 regular course of business for nontax purposes, by a preponderance of the facts
- 3710 and circumstances at the time of the transaction, and by the understanding of all of
- 3711 the parties to the transaction:
- 3712 (A) the following from credit extended on the sale of tangible personal property or
- 3713 services:
- 3714 (I) a carrying charge;
- 3715 (II) a financing charge; or
- 3716 (III) an interest charge;
- 3717 (B) a delivery charge;
- 3718 (C) an installation charge;
- 3719 (D) a manufacturer rebate on a motor vehicle; or
- 3720 (E) a tax or fee legally imposed directly on the consumer.
- 3721 (108) "Purchaser" means a person to whom:
- 3722 (a) a sale of tangible personal property is made;
- 3723 (b) a product is transferred electronically; or
- 3724 (c) a service is furnished.
- 3725 (109) "Qualifying data center" means a data center facility that:
- 3726 (a) houses a group of networked server computers in one physical location in order to
- 3727 disseminate, manage, and store data and information;
- 3728 (b) is located in the state;
- 3729 (c) is a new operation constructed on or after July 1, 2016;
- 3730 (d) consists of one or more buildings that total 150,000 or more square feet;
- 3731 (e) is owned or leased by:
- 3732 (i) the operator of the data center facility; or
- 3733 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 3734 operator of the data center facility; and

- 3735 (f) is located on one or more parcels of land that are owned or leased by:
- 3736 (i) the operator of the data center facility; or
- 3737 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 3738 operator of the data center facility.
- 3739 (110) "Regularly rented" means:
- 3740 (a) rented to a guest for value three or more times during a calendar year; or
- 3741 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 3742 value.
- 3743 (111) "Rental" means the same as that term is defined in Subsection (63).
- 3744 (112)(a) "Repairs or renovations of tangible personal property" means:
- 3745 (i) a repair or renovation of tangible personal property that is not permanently
- 3746 attached to real property; or
- 3747 (ii) attaching tangible personal property or a product transferred electronically to
- 3748 other tangible personal property or detaching tangible personal property or a
- 3749 product transferred electronically from other tangible personal property if:
- 3750 (A) the other tangible personal property to which the tangible personal property or
- 3751 product transferred electronically is attached or from which the tangible
- 3752 personal property or product transferred electronically is detached is not
- 3753 permanently attached to real property; and
- 3754 (B) the attachment of tangible personal property or a product transferred
- 3755 electronically to other tangible personal property or detachment of tangible
- 3756 personal property or a product transferred electronically from other tangible
- 3757 personal property is made in conjunction with a repair or replacement of
- 3758 tangible personal property or a product transferred electronically.
- 3759 (b) "Repairs or renovations of tangible personal property" does not include:
- 3760 (i) attaching prewritten computer software to other tangible personal property if the
- 3761 other tangible personal property to which the prewritten computer software is
- 3762 attached is not permanently attached to real property; or
- 3763 (ii) detaching prewritten computer software from other tangible personal property if
- 3764 the other tangible personal property from which the prewritten computer software
- 3765 is detached is not permanently attached to real property.
- 3766 (113) "Research and development" means the process of inquiry or experimentation aimed
- 3767 at the discovery of facts, devices, technologies, or applications and the process of
- 3768 preparing those devices, technologies, or applications for marketing.

- 3769 (114)(a) "Residential telecommunications services" means a telecommunications service
3770 or an ancillary service that is provided to an individual for personal use:
- 3771 (i) at a residential address; or
 - 3772 (ii) at an institution, including a nursing home or a school, if the telecommunications
3773 service or ancillary service is provided to and paid for by the individual residing at
3774 the institution rather than the institution.
- 3775 (b) For purposes of Subsection (114)(a)(i), a residential address includes an:
- 3776 (i) apartment; or
 - 3777 (ii) other individual dwelling unit.
- 3778 (115) "Residential use" means the use in or around a home, apartment building, sleeping
3779 quarters, and similar facilities or accommodations.
- 3780 (116) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
- 3781 (a) resale;
 - 3782 (b) sublease; or
 - 3783 (c) subrent.
- 3784 (117)(a) "Retailer" means any person, unless prohibited by the Constitution of the
3785 United States or federal law, that is engaged in a regularly organized business in
3786 tangible personal property or any other taxable transaction under Subsection
3787 59-12-103(1), and who is selling to the user or consumer and not for resale.
- 3788 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
3789 engaged in the business of selling to users or consumers within the state.
- 3790 (118)(a) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise,
3791 in any manner, of tangible personal property or any other taxable transaction under
3792 Subsection 59-12-103(1), for consideration.
- 3793 (b) "Sale" includes:
- 3794 (i) installment and credit sales;
 - 3795 (ii) any closed transaction constituting a sale;
 - 3796 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
3797 chapter;
 - 3798 (iv) any transaction if the possession of property is transferred but the seller retains
3799 the title as security for the payment of the price; and
 - 3800 (v) any transaction under which right to possession, operation, or use of any article of
3801 tangible personal property is granted under a lease or contract and the transfer of
3802 possession would be taxable if an outright sale were made.

- 3803 (119) "Sale at retail" means the same as that term is defined in Subsection (116).
- 3804 (120) "Sale-leaseback transaction" means a transaction by which title to tangible personal
3805 property or a product transferred electronically that is subject to a tax under this chapter
3806 is transferred:
- 3807 (a) by a purchaser-lessee;
 - 3808 (b) to a lessor;
 - 3809 (c) for consideration; and
 - 3810 (d) if:
 - 3811 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial
3812 purchase of the tangible personal property or product transferred electronically;
 - 3813 (ii) the sale of the tangible personal property or product transferred electronically to
3814 the lessor is intended as a form of financing:
 - 3815 (A) for the tangible personal property or product transferred electronically; and
 - 3816 (B) to the purchaser-lessee; and
 - 3817 (iii) in accordance with generally accepted accounting principles, the
3818 purchaser-lessee is required to:
 - 3819 (A) capitalize the tangible personal property or product transferred electronically
3820 for financial reporting purposes; and
 - 3821 (B) account for the lease payments as payments made under a financing
3822 arrangement.
- 3823 (121) "Sales price" means the same as that term is defined in Subsection (107).
- 3824 (122)(a) "Sales relating to schools" means the following sales by, amounts paid to, or
3825 amounts charged by a school:
- 3826 (i) sales that are directly related to the school's educational functions or activities
3827 including:
 - 3828 (A) the sale of:
 - 3829 (I) textbooks;
 - 3830 (II) textbook fees;
 - 3831 (III) laboratory fees;
 - 3832 (IV) laboratory supplies; or
 - 3833 (V) safety equipment;
 - 3834 (B) the sale of a uniform, protective equipment, or sports or recreational
3835 equipment that:
 - 3836 (I) a student is specifically required to wear as a condition of participation in a

- 3837 school-related event or school-related activity; and
- 3838 (II) is not readily adaptable to general or continued usage to the extent that it
- 3839 takes the place of ordinary clothing;
- 3840 (C) sales of the following if the net or gross revenue generated by the sales is
- 3841 deposited into a school district fund or school fund dedicated to school meals:
- 3842 (I) food and food ingredients; or
- 3843 (II) prepared food; or
- 3844 (D) transportation charges for official school activities; or
- 3845 (ii) amounts paid to or amounts charged by a school for admission to a school-related
- 3846 event or school-related activity.
- 3847 (b) "Sales relating to schools" does not include:
- 3848 (i) bookstore sales of items that are not educational materials or supplies;
- 3849 (ii) except as provided in Subsection (122)(a)(i)(B):
- 3850 (A) clothing;
- 3851 (B) clothing accessories or equipment;
- 3852 (C) protective equipment; or
- 3853 (D) sports or recreational equipment; or
- 3854 (iii) amounts paid to or amounts charged by a school for admission to a
- 3855 school-related event or school-related activity if the amounts paid or charged are
- 3856 passed through to a person:
- 3857 (A) other than a:
- 3858 (I) school;
- 3859 (II) nonprofit organization authorized by a school board or a governing body of
- 3860 a private school to organize and direct a competitive secondary school
- 3861 activity; or
- 3862 (III) nonprofit association authorized by a school board or a governing body of
- 3863 a private school to organize and direct a competitive secondary school
- 3864 activity; and
- 3865 (B) that is required to collect sales and use taxes under this chapter.
- 3866 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3867 commission may make rules defining the term "passed through."
- 3868 (123) For purposes of this section and Section 59-12-104, "school" means:
- 3869 (a) an elementary school or a secondary school that:
- 3870 (i) is a:

- 3871 (A) public school; or
3872 (B) private school; and
3873 (ii) provides instruction for one or more grades kindergarten through 12; or
3874 (b) a public school district.
- 3875 (124)(a) "Seller" means a person that makes a sale, lease, or rental of:
3876 (i) tangible personal property;
3877 (ii) a product transferred electronically; or
3878 (iii) a service.
- 3879 (b) "Seller" includes a marketplace facilitator.
- 3880 (125)(a) "Semiconductor fabricating, processing, research, or development materials"
3881 means tangible personal property or a product transferred electronically if the
3882 tangible personal property or product transferred electronically is:
3883 (i) used primarily in the process of:
3884 (A)(I) manufacturing a semiconductor;
3885 (II) fabricating a semiconductor; or
3886 (III) research or development of a:
3887 (Aa) semiconductor; or
3888 (Bb) semiconductor manufacturing process; or
3889 (B) maintaining an environment suitable for a semiconductor; or
3890 (ii) consumed primarily in the process of:
3891 (A)(I) manufacturing a semiconductor;
3892 (II) fabricating a semiconductor; or
3893 (III) research or development of a:
3894 (Aa) semiconductor; or
3895 (Bb) semiconductor manufacturing process; or
3896 (B) maintaining an environment suitable for a semiconductor.
- 3897 (b) "Semiconductor fabricating, processing, research, or development materials"
3898 includes:
3899 (i) parts used in the repairs or renovations of tangible personal property or a product
3900 transferred electronically described in Subsection (125)(a); or
3901 (ii) a chemical, catalyst, or other material used to:
3902 (A) produce or induce in a semiconductor a:
3903 (I) chemical change; or
3904 (II) physical change;

- 3905 (B) remove impurities from a semiconductor; or
3906 (C) improve the marketable condition of a semiconductor.
- 3907 (126) "Senior citizen center" means a facility having the primary purpose of providing
3908 services to the aged as defined in Section 26B-6-101.
- 3909 (127) "Shared vehicle" means the same as that term is defined in Section 13-48a-101.
- 3910 (128) "Shared vehicle driver" means the same as that term is defined in Section 13-48a-101.
- 3911 (129) "Shared vehicle owner" means the same as that term is defined in Section 13-48a-101.
- 3912 (130)(a) Subject to Subsections (130)(b) and (c), "short-term lodging consumable"
3913 means tangible personal property that:
- 3914 (i) a business that provides accommodations and services described in Subsection
3915 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations
3916 and services to a purchaser;
- 3917 (ii) is intended to be consumed by the purchaser; and
3918 (iii) is:
- 3919 (A) included in the purchase price of the accommodations and services; and
3920 (B) not separately stated on an invoice, bill of sale, or other similar document
3921 provided to the purchaser.
- 3922 (b) "Short-term lodging consumable" includes:
- 3923 (i) a beverage;
- 3924 (ii) a brush or comb;
- 3925 (iii) a cosmetic;
- 3926 (iv) a hair care product;
- 3927 (v) lotion;
- 3928 (vi) a magazine;
- 3929 (vii) makeup;
- 3930 (viii) a meal;
- 3931 (ix) mouthwash;
- 3932 (x) nail polish remover;
- 3933 (xi) a newspaper;
- 3934 (xii) a notepad;
- 3935 (xiii) a pen;
- 3936 (xiv) a pencil;
- 3937 (xv) a razor;
- 3938 (xvi) saline solution;

- 3939 (xvii) a sewing kit;
- 3940 (xviii) shaving cream;
- 3941 (xix) a shoe shine kit;
- 3942 (xx) a shower cap;
- 3943 (xxi) a snack item;
- 3944 (xxii) soap;
- 3945 (xxiii) toilet paper;
- 3946 (xxiv) a toothbrush;
- 3947 (xxv) toothpaste; or
- 3948 (xxvi) an item similar to Subsections (130)(b)(i) through (xxv) as the commission
- 3949 may provide by rule made in accordance with Title 63G, Chapter 3, Utah
- 3950 Administrative Rulemaking Act.
- 3951 (c) "Short-term lodging consumable" does not include:
- 3952 (i) tangible personal property that is cleaned or washed to allow the tangible personal
- 3953 property to be reused; or
- 3954 (ii) a product transferred electronically.
- 3955 (131)(a) "Short-term rental" means a lease or rental for less than 30 consecutive days.
- 3956 (b) "Short-term rental" does not include car sharing.
- 3957 (132) "Simplified electronic return" means the electronic return:
- 3958 (a) described in Section 318(C) of the agreement; and
- 3959 (b) approved by the governing board of the agreement.
- 3960 (133) "Solar energy" means the sun used as the sole source of energy for producing
- 3961 electricity.
- 3962 (134)(a) "Sports or recreational equipment" means an item:
- 3963 (i) designed for human use; and
- 3964 (ii) that is:
- 3965 (A) worn in conjunction with:
- 3966 (I) an athletic activity; or
- 3967 (II) a recreational activity; and
- 3968 (B) not suitable for general use.
- 3969 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3970 commission shall make rules:
- 3971 (i) listing the items that constitute "sports or recreational equipment"; and
- 3972 (ii) that are consistent with the list of items that constitute "sports or recreational

- 3973 equipment" under the agreement.
- 3974 (135) "State" means the state of Utah, its departments, and agencies.
- 3975 (136) "Storage" means any keeping or retention of tangible personal property or any other
3976 taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
3977 sale in the regular course of business.
- 3978 (137)(a) "Tangible personal property" means personal property that:
- 3979 (i) may be:
- 3980 (A) seen;
- 3981 (B) weighed;
- 3982 (C) measured;
- 3983 (D) felt; or
- 3984 (E) touched; or
- 3985 (ii) is in any manner perceptible to the senses.
- 3986 (b) "Tangible personal property" includes:
- 3987 (i) electricity;
- 3988 (ii) water;
- 3989 (iii) gas;
- 3990 (iv) steam; or
- 3991 (v) prewritten computer software, regardless of the manner in which the prewritten
3992 computer software is transferred.
- 3993 (c) "Tangible personal property" includes the following regardless of whether the item is
3994 attached to real property:
- 3995 (i) a dishwasher;
- 3996 (ii) a dryer;
- 3997 (iii) a freezer;
- 3998 (iv) a microwave;
- 3999 (v) a refrigerator;
- 4000 (vi) a stove;
- 4001 (vii) a washer; or
- 4002 (viii) an item similar to Subsections (137)(c)(i) through (vii) as determined by the
4003 commission by rule made in accordance with Title 63G, Chapter 3, Utah
4004 Administrative Rulemaking Act.
- 4005 (d) "Tangible personal property" does not include a product that is transferred
4006 electronically.

- 4007 (e) "Tangible personal property" does not include the following if attached to real
4008 property, regardless of whether the attachment to real property is only through a line
4009 that supplies water, electricity, gas, telephone, cable, or supplies a similar item as
4010 determined by the commission by rule made in accordance with Title 63G, Chapter 3,
4011 Utah Administrative Rulemaking Act:
- 4012 (i) a hot water heater;
 - 4013 (ii) a water filtration system; or
 - 4014 (iii) a water softener system.
- 4015 (138)(a) "Telecommunications enabling or facilitating equipment, machinery, or
4016 software" means an item listed in Subsection (138)(b) if that item is purchased or
4017 leased primarily to enable or facilitate one or more of the following to function:
- 4018 (i) telecommunications switching or routing equipment, machinery, or software; or
 - 4019 (ii) telecommunications transmission equipment, machinery, or software.
- 4020 (b) The following apply to Subsection (138)(a):
- 4021 (i) a pole;
 - 4022 (ii) software;
 - 4023 (iii) a supplementary power supply;
 - 4024 (iv) temperature or environmental equipment or machinery;
 - 4025 (v) test equipment;
 - 4026 (vi) a tower; or
 - 4027 (vii) equipment, machinery, or software that functions similarly to an item listed in
4028 Subsections (138)(b)(i) through (vi) as determined by the commission by rule
4029 made in accordance with Subsection (138)(c).
- 4030 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4031 commission may by rule define what constitutes equipment, machinery, or software
4032 that functions similarly to an item listed in Subsections (138)(b)(i) through (vi).
- 4033 (139) "Telecommunications equipment, machinery, or software required for 911 service"
4034 means equipment, machinery, or software that is required to comply with 47 C.F.R. Sec.
4035 20.18.
- 4036 (140) "Telecommunications maintenance or repair equipment, machinery, or software"
4037 means equipment, machinery, or software purchased or leased primarily to maintain or
4038 repair one or more of the following, regardless of whether the equipment, machinery, or
4039 software is purchased or leased as a spare part or as an upgrade or modification to one or
4040 more of the following:

- 4041 (a) telecommunications enabling or facilitating equipment, machinery, or software;
- 4042 (b) telecommunications switching or routing equipment, machinery, or software; or
- 4043 (c) telecommunications transmission equipment, machinery, or software.
- 4044 (141)(a) "Telecommunications service" means the electronic conveyance, routing, or
- 4045 transmission of audio, data, video, voice, or any other information or signal to a
- 4046 point, or among or between points.
- 4047 (b) "Telecommunications service" includes:
- 4048 (i) an electronic conveyance, routing, or transmission with respect to which a
- 4049 computer processing application is used to act:
- 4050 (A) on the code, form, or protocol of the content;
- 4051 (B) for the purpose of electronic conveyance, routing, or transmission; and
- 4052 (C) regardless of whether the service:
- 4053 (I) is referred to as voice over Internet protocol service; or
- 4054 (II) is classified by the Federal Communications Commission as enhanced or
- 4055 value added;
- 4056 (ii) an 800 service;
- 4057 (iii) a 900 service;
- 4058 (iv) a fixed wireless service;
- 4059 (v) a mobile wireless service;
- 4060 (vi) a postpaid calling service;
- 4061 (vii) a prepaid calling service;
- 4062 (viii) a prepaid wireless calling service; or
- 4063 (ix) a private communications service.
- 4064 (c) "Telecommunications service" does not include:
- 4065 (i) advertising, including directory advertising;
- 4066 (ii) an ancillary service;
- 4067 (iii) a billing and collection service provided to a third party;
- 4068 (iv) a data processing and information service if:
- 4069 (A) the data processing and information service allows data to be:
- 4070 (I)(Aa) acquired;
- 4071 (Bb) generated;
- 4072 (Cc) processed;
- 4073 (Dd) retrieved; or
- 4074 (Ee) stored; and

- 4075 (II) delivered by an electronic transmission to a purchaser; and
4076 (B) the purchaser's primary purpose for the underlying transaction is the processed
4077 data or information;
- 4078 (v) installation or maintenance of the following on a customer's premises:
4079 (A) equipment; or
4080 (B) wiring;
- 4081 (vi) Internet access service;
4082 (vii) a paging service;
4083 (viii) a product transferred electronically, including:
4084 (A) music;
4085 (B) reading material;
4086 (C) a ring tone;
4087 (D) software; or
4088 (E) video;
- 4089 (ix) a radio and television audio and video programming service:
4090 (A) regardless of the medium; and
4091 (B) including:
4092 (I) furnishing conveyance, routing, or transmission of a television audio and
4093 video programming service by a programming service provider;
4094 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
4095 (III) audio and video programming services delivered by a commercial mobile
4096 radio service provider as defined in 47 C.F.R. Sec. 20.3;
- 4097 (x) a value-added nonvoice data service; or
4098 (xi) tangible personal property.
- 4099 (142)(a) "Telecommunications service provider" means a person that:
4100 (i) owns, controls, operates, or manages a telecommunications service; and
4101 (ii) engages in an activity described in Subsection (142)(a)(i) for the shared use with
4102 or resale to any person of the telecommunications service.
- 4103 (b) A person described in Subsection (142)(a) is a telecommunications service provider
4104 whether or not the Public Service Commission of Utah regulates:
4105 (i) that person; or
4106 (ii) the telecommunications service that the person owns, controls, operates, or
4107 manages.
- 4108 (143)(a) "Telecommunications switching or routing equipment, machinery, or software"

- 4109 means an item listed in Subsection (143)(b) if that item is purchased or leased
 4110 primarily for switching or routing:
- 4111 (i) an ancillary service;
 - 4112 (ii) data communications;
 - 4113 (iii) voice communications; or
 - 4114 (iv) telecommunications service.
- 4115 (b) The following apply to Subsection (143)(a):
- 4116 (i) a bridge;
 - 4117 (ii) a computer;
 - 4118 (iii) a cross connect;
 - 4119 (iv) a modem;
 - 4120 (v) a multiplexer;
 - 4121 (vi) plug in circuitry;
 - 4122 (vii) a router;
 - 4123 (viii) software;
 - 4124 (ix) a switch; or
 - 4125 (x) equipment, machinery, or software that functions similarly to an item listed in
 4126 Subsections (143)(b)(i) through (ix) as determined by the commission by rule
 4127 made in accordance with Subsection (143)(c).
- 4128 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 4129 commission may by rule define what constitutes equipment, machinery, or software
 4130 that functions similarly to an item listed in Subsections (143)(b)(i) through (ix).
- 4131 (144)(a) "Telecommunications transmission equipment, machinery, or software" means
 4132 an item listed in Subsection (144)(b) if that item is purchased or leased primarily for
 4133 sending, receiving, or transporting:
- 4134 (i) an ancillary service;
 - 4135 (ii) data communications;
 - 4136 (iii) voice communications; or
 - 4137 (iv) telecommunications service.
- 4138 (b) The following apply to Subsection (144)(a):
- 4139 (i) an amplifier;
 - 4140 (ii) a cable;
 - 4141 (iii) a closure;
 - 4142 (iv) a conduit;

- 4143 (v) a controller;
- 4144 (vi) a duplexer;
- 4145 (vii) a filter;
- 4146 (viii) an input device;
- 4147 (ix) an input/output device;
- 4148 (x) an insulator;
- 4149 (xi) microwave machinery or equipment;
- 4150 (xii) an oscillator;
- 4151 (xiii) an output device;
- 4152 (xiv) a pedestal;
- 4153 (xv) a power converter;
- 4154 (xvi) a power supply;
- 4155 (xvii) a radio channel;
- 4156 (xviii) a radio receiver;
- 4157 (xix) a radio transmitter;
- 4158 (xx) a repeater;
- 4159 (xxi) software;
- 4160 (xxii) a terminal;
- 4161 (xxiii) a timing unit;
- 4162 (xxiv) a transformer;
- 4163 (xxv) a wire; or
- 4164 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
- 4165 Subsections (144)(b)(i) through (xxv) as determined by the commission by rule
- 4166 made in accordance with Subsection (144)(c).
- 4167 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 4168 commission may by rule define what constitutes equipment, machinery, or software
- 4169 that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv).
- 4170 (145)(a) "Textbook for a higher education course" means a textbook or other printed
- 4171 material that is required for a course:
- 4172 (i) offered by an institution of higher education; and
- 4173 (ii) that the purchaser of the textbook or other printed material attends or will attend.
- 4174 (b) "Textbook for a higher education course" includes a textbook in electronic format.
- 4175 (146) "Tobacco" means:
- 4176 (a) a cigarette;

- 4177 (b) a cigar;
- 4178 (c) chewing tobacco;
- 4179 (d) pipe tobacco; or
- 4180 (e) any other item that contains tobacco.
- 4181 (147) "Unassisted amusement device" means an amusement device, skill device, or ride
4182 device that is started and stopped by the purchaser or renter of the right to use or operate
4183 the amusement device, skill device, or ride device.
- 4184 (148)(a) "Use" means the exercise of any right or power over tangible personal property,
4185 a product transferred electronically, or a service under Subsection 59-12-103(1),
4186 incident to the ownership or the leasing of that tangible personal property, product
4187 transferred electronically, or service.
- 4188 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
4189 property, a product transferred electronically, or a service in the regular course of
4190 business and held for resale.
- 4191 (149) "Value-added nonvoice data service" means a service:
- 4192 (a) that otherwise meets the definition of a telecommunications service except that a
4193 computer processing application is used to act primarily for a purpose other than
4194 conveyance, routing, or transmission; and
- 4195 (b) with respect to which a computer processing application is used to act on data or
4196 information:
- 4197 (i) code;
- 4198 (ii) content;
- 4199 (iii) form; or
- 4200 (iv) protocol.
- 4201 (150)(a) Subject to Subsection (150)(b), "vehicle" means the following that are required
4202 to be titled, registered, or titled and registered:
- 4203 (i) an aircraft as defined in Section 72-10-102;
- 4204 (ii) a vehicle as defined in Section 41-1a-102;
- 4205 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 4206 (iv) a vessel as defined in Section 41-1a-102.
- 4207 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:
- 4208 (i) a vehicle described in Subsection (150)(a); or
- 4209 (ii)(A) a locomotive;
- 4210 (B) a freight car;

4211 (C) railroad work equipment; or

4212 (D) other railroad rolling stock.

4213 (151) "Vehicle dealer" means a person engaged in the business of buying, selling, or
4214 exchanging a vehicle as defined in Subsection (150).

4215 (152)(a) "Vertical service" means an ancillary service that:

4216 (i) is offered in connection with one or more telecommunications services; and

4217 (ii) offers an advanced calling feature that allows a customer to:

4218 (A) identify a caller; and

4219 (B) manage multiple calls and call connections.

4220 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
4221 conference bridging service.

4222 (153)(a) "Voice mail service" means an ancillary service that enables a customer to
4223 receive, send, or store a recorded message.

4224 (b) "Voice mail service" does not include a vertical service that a customer is required to
4225 have in order to utilize a voice mail service.

4226 (154)(a) "Waste energy facility" means a facility that generates electricity:

4227 (i) using as the primary source of energy waste materials that would be placed in a
4228 landfill or refuse pit if it were not used to generate electricity, including:

4229 (A) tires;

4230 (B) waste coal;

4231 (C) oil shale; or

4232 (D) municipal solid waste; and

4233 (ii) in amounts greater than actually required for the operation of the facility.

4234 (b) "Waste energy facility" does not include a facility that incinerates:

4235 (i) hospital waste as defined in 40 C.F.R. 60.51c; or

4236 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.

4237 (155) "Watercraft" means a vessel as defined in Section 73-18-2.

4238 (156) "Wind energy" means wind used as the sole source of energy to produce electricity.

4239 (157) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
4240 location by the United States Postal Service.

4241 Section 25. Section **59-12-702** is amended to read:

4242 **59-12-702 . Definitions.**

4243 As used in this part:

4244 (1) "Administrative unit" means a division of a private nonprofit organization or institution

- 4245 that:
- 4246 (a) would, if it were a separate entity, be a botanical organization or cultural
4247 organization; and
- 4248 (b) consistently maintains books and records separate from those of the administrative
4249 unit's parent organization.
- 4250 (2) "Aquarium" means a park or building where a collection of water animals and plants is
4251 kept for study, conservation, and public exhibition.
- 4252 (3) "Aviary" means a park or building where a collection of birds is kept for study,
4253 conservation, and public exhibition.
- 4254 (4) "Botanical organization" means:
- 4255 (a) a private nonprofit organization or institution having as the private nonprofit
4256 organization's or institution's primary purpose the advancement and preservation of
4257 plant science through horticultural display, botanical research, and community
4258 education; or
- 4259 (b) an administrative unit.
- 4260 (5) "Cultural facility" means the same as that term is defined in Section 59-12-602.
- 4261 (6)(a) "Cultural organization" means:
- 4262 (i) a private nonprofit organization or institution having as the private nonprofit
4263 organization's or institution's primary purpose the advancement and preservation
4264 of:
- 4265 (A) natural history;
- 4266 (B) art;
- 4267 (C) music;
- 4268 (D) theater;
- 4269 (E) dance; or
- 4270 (F) cultural arts, including literature, a motion picture, or storytelling; and
- 4271 (ii) an administrative unit.
- 4272 (b) "Cultural organization" includes, for purposes of Subsections 59-12-704(1)(d) and
4273 (10) only:
- 4274 (i) a private nonprofit organization or institution having as the private nonprofit
4275 organization's or institution's primary purpose the advancement and preservation
4276 of history; or
- 4277 (ii) a municipal or county cultural council having as the municipal or county cultural
4278 council's primary purpose the advancement and preservation of:

- 4279 (A) history;
- 4280 (B) natural history;
- 4281 (C) art;
- 4282 (D) music;
- 4283 (E) theater; or
- 4284 (F) dance.
- 4285 (c) "Cultural organization" does not include:
- 4286 (i) an agency of the state;
- 4287 (ii) except as provided in Subsection (6)(b)(ii), a political subdivision of the state;
- 4288 (iii) an educational institution for which annual revenue is directly derived more than
- 4289 50% from state funds; or
- 4290 (iv) in a county of the first or second class, a radio or television broadcasting network
- 4291 or station, cable communications system, newspaper, or magazine.
- 4292 (7) "Institution" means an institution of higher education listed in Subsection 53B-1-102
- 4293 (1)(a).
- 4294 (8) "Recreational facility" means a publicly owned or operated park, campground, marina,
- 4295 dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system,
- 4296 or other facility used for recreational purposes.
- 4297 (9) "Rural radio station" means a nonprofit radio station based in a county of the third,
- 4298 fourth, fifth, or sixth class.
- 4299 (10) In a county of the first class, "zoological facility" means a public, public-private
- 4300 partnership, or private nonprofit building, exhibit, utility and infrastructure, walkway,
- 4301 pathway, roadway, office, administration facility, public service facility, educational
- 4302 facility, enclosure, public viewing area, animal barrier, animal housing, animal care
- 4303 facility, and veterinary and hospital facility related to the advancement, exhibition, or
- 4304 preservation of a mammal, bird, reptile, fish, or an amphibian.
- 4305 (11)(a)(i) Except as provided in Subsection (11)(a)(ii), "zoological organization"
- 4306 means a public, public-private partnership, or private nonprofit organization
- 4307 having as its primary purpose the advancement and preservation of zoology.
- 4308 (ii) In a county of the first class, "zoological organization" means a nonprofit
- 4309 organization having as the nonprofit organization's primary purpose the
- 4310 advancement and exhibition of a mammal, bird, reptile, fish, or an amphibian to
- 4311 an audience of 75,000 or more persons annually.
- 4312 (b) "Zoological organization" does not include an agency of the state, educational

4313 institution, radio or television broadcasting network or station, cable communications
4314 system, newspaper, or magazine.

4315 (12) "Zoological park" means a park or garden where a collection of wild animals is kept
4316 for study, conservation, and public exhibition.

4317 Section 26. Section **63C-18-203** is amended to read:

4318 **63C-18-203 . Committee duties.**

4319 (1) Under the direction of the Utah Behavioral Health Commission created in Section
4320 26B-5-702, the committee shall:

4321 (a) identify a method to integrate existing local mental health crisis lines to ensure each
4322 individual who accesses a local mental health crisis line is connected to a qualified
4323 mental or behavioral health professional, regardless of the time, date, or number of
4324 individuals trying to simultaneously access the local mental health crisis line;

4325 (b) study how to establish and implement a statewide mental health crisis line and a
4326 statewide warm line, including identifying:

4327 (i) a statewide phone number or other means for an individual to easily access the
4328 statewide mental health crisis line, including a short code for text messaging and a
4329 three-digit number for calls;

4330 (ii) a statewide phone number or other means for an individual to easily access the
4331 statewide warm line, including a short code for text messaging and a three-digit
4332 number for calls;

4333 (iii) a supply of:

4334 (A) qualified mental or behavioral health professionals to staff the statewide
4335 mental health crisis line; and

4336 (B) qualified mental or behavioral health professionals or certified peer support
4337 specialists to staff the statewide warm line; and

4338 (iv) a funding mechanism to operate and maintain the statewide mental health crisis
4339 line and the statewide warm line;

4340 (c) coordinate with local mental health authorities in fulfilling the committee's duties
4341 described in Subsections (1)(a) and (b);

4342 (d) recommend standards for the certifications described in Section 26B-5-610; and

4343 (e) coordinate services provided by local mental health crisis lines and mobile crisis
4344 outreach teams, as defined in Section 62A-15-1401.

4345 (2) The committee shall study and make recommendations regarding:

4346 (a) crisis line practices and needs, including:

- 4347 (i) quality and timeliness of service;
- 4348 (ii) service volume projections;
- 4349 (iii) a statewide assessment of crisis line staffing needs, including required
- 4350 certifications; and
- 4351 (iv) a statewide assessment of technology needs;
- 4352 (b) primary duties performed by crisis line workers;
- 4353 (c) coordination or redistribution of secondary duties performed by crisis line workers,
- 4354 including responding to non-emergency calls;
- 4355 (d) operating the statewide 988 hotline:
- 4356 (i) in accordance with federal law;
- 4357 (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center;
- 4358 and
- 4359 (iii) to directly respond to calls with trained personnel and the provision of acute
- 4360 mental health, crisis outreach, and stabilization services;
- 4361 (e) opportunities to increase operational and technological efficiencies and effectiveness
- 4362 between 988 and 911, utilizing current technology;
- 4363 (f) needs for interoperability partnerships and policies related to 911 call transfers and
- 4364 public safety responses;
- 4365 (g) standards for statewide mobile crisis outreach teams, including:
- 4366 (i) current models and projected needs;
- 4367 (ii) quality and timeliness of service;
- 4368 (iii) hospital and jail diversions; and
- 4369 (iv) staffing and certification;
- 4370 (h) resource centers, including:
- 4371 (i) current models and projected needs; and
- 4372 (ii) quality and timeliness of service;
- 4373 (i) policy considerations related to whether the state should:
- 4374 (i) manage, operate, and pay for a complete behavioral health system; or
- 4375 (ii) create partnerships with private industry; and
- 4376 (j) sustainable funding source alternatives, including:
- 4377 (i) charging a 988 fee, including a recommendation on the fee amount;
- 4378 (ii) General Fund appropriations;
- 4379 (iii) other government funding options;
- 4380 (iv) private funding sources;

- 4381 (v) grants;
 4382 (vi) insurance partnerships, including coverage for support and treatment after initial
 4383 call and triage; and
 4384 (vii) other funding resources.

4385 (3) The committee may conduct other business related to the committee's duties described
 4386 in this section.

4387 (4) The committee shall consult with the Office of Substance Use and Mental Health
 4388 regarding:

- 4389 (a) the standards and operation of the statewide mental health crisis line and the
 4390 statewide warm line, in accordance with Section 26B-5-610; and
 4391 (b) the incorporation of the statewide mental health crisis line and the statewide warm
 4392 line into behavioral health systems throughout the state.

4393 Section 27. Section **63G-3-503** is amended to read:

4394 **63G-3-503 . Agency rules oversight.**

4395 Oversight of the rulemaking process is conducted by the Rules Review and General
 4396 Oversight Committee created in Section [~~36-35-502~~] 36-35-102.

4397 Section 28. Section **63I-1-226** is amended to read:

4398 **63I-1-226 . Repeal dates: Titles 26 through 26B.**

4399 (1) Subsection 26B-1-204(2)(h), regarding the Primary Care Grant Committee, is repealed
 4400 July 1, 2025.

4401 (2) Section 26B-1-315, Medicaid ACA Fund, is repealed July 1, 2034.

4402 (3) Section 26B-1-318, Brain and Spinal Cord Injury Fund, is repealed July 1, 2029.

4403 (4) Section 26B-1-402, Rare Disease Advisory Council Grant Program -- Creation --
 4404 Reporting, is repealed July 1, 2026.

4405 (5) Section 26B-1-409, Utah Digital Health Service Commission -- Creation -- Membership
 4406 -- Duties, is repealed July 1, 2025.

4407 (6) Section 26B-1-410, Primary Care Grant Committee, is repealed July 1, 2025.

4408 (7) Section 26B-1-416, Utah Children's Health Insurance Program Advisory Council, is
 4409 repealed July 1, 2025.

4410 (8) Section 26B-1-417, Brain and Spinal Cord Injury Advisory Committee -- Membership
 4411 -- Duties, is repealed July 1, 2029.

4412 (9) Section 26B-1-422, Early Childhood Utah Advisory Council -- Creation --
 4413 Compensation -- Duties, is repealed July 1, 2029.

4414 (10) Section 26B-1-425, Utah Health Workforce Advisory Council -- Creation and

- 4415 membership, is repealed July 1, 2027.
- 4416 (11) Section 26B-1-428, Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
4417 Committee and Program -- Creation -- Membership -- Duties, is repealed July 1, 2025.
- 4418 (12) Section 26B-1-430, Coordinating Council for Persons with Disabilities -- Policy
4419 regarding services to individuals with disabilities -- Creation -- Membership --
4420 Expenses, is repealed July 1, 2027.
- 4421 (13) Section 26B-1-432, Newborn Hearing Screening Committee, is repealed July 1, 2026.
- 4422 (14) Section 26B-2-407, Drinking water quality in child care centers, is repealed July 1,
4423 2027.
- 4424 (15) Subsection 26B-3-107(9), regarding reimbursement for dental hygienists, is repealed
4425 July 1, 2028.
- 4426 (16) Section 26B-3-136, Children's Health Care Coverage Program, is repealed July 1, 2025.
- 4427 (17) Section 26B-3-137, Reimbursement for diabetes prevention program, is repealed June
4428 30, 2027.
- 4429 (18) Subsection 26B-3-213(2)(b), regarding consultation with the Behavioral Health Crisis
4430 Response Committee, is repealed December 31, 2026.
- 4431 (19) Section 26B-3-302, DUR Board -- Creation and membership -- Expenses, is repealed
4432 July 1, 2027.
- 4433 (20) Section 26B-3-303, DUR Board -- Responsibilities, is repealed July 1, 2027.
- 4434 (21) Section 26B-3-304, Confidentiality of records, is repealed July 1, 2027.
- 4435 (22) Section 26B-3-305, Drug prior approval program, is repealed July 1, 2027.
- 4436 (23) Section 26B-3-306, Advisory committees, is repealed July 1, 2027.
- 4437 (24) Section 26B-3-307, Retrospective and prospective DUR, is repealed July 1, 2027.
- 4438 (25) Section 26B-3-308, Penalties, is repealed July 1, 2027.
- 4439 (26) Section 26B-3-309, Immunity, is repealed July 1, 2027.
- 4440 (27) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2034.
- 4441 (28) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed
4442 July 1, 2034.
- 4443 (29) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.
- 4444 (30) Section 26B-3-910, Alternative eligibility -- Report -- Alternative Eligibility
4445 Expendable Revenue Fund, is repealed July 1, 2028.
- 4446 (31) Section 26B-4-710, Rural residency training program, is repealed July 1, 2025.
- 4447 (32) Subsection 26B-5-112(1)(b), regarding consultation with the Behavioral Health Crisis
4448 Response Committee, is repealed December 31, 2026.

- 4449 (33) Subsection 26B-5-112(5)(b), regarding consultation with the Behavioral Health Crisis
 4450 Response Committee, is repealed December 31, 2026.
- 4451 (34) Section 26B-5-112.5, Mobile Crisis Outreach Team Grant Program, is repealed
 4452 December 31, 2026.
- 4453 (35) Section 26B-5-114, Behavioral Health Receiving Center Grant Program, is repealed
 4454 December 31, 2026.
- 4455 (36) Section 26B-5-118, Collaborative care grant program, is repealed December 31, 2024.
- 4456 (37) Section 26B-5-120, Virtual crisis outreach team grant program, is repealed December
 4457 31, 2026.
- 4458 (38) Subsection 26B-5-609(1)(a), regarding the Behavioral Health Crisis Response
 4459 Committee, is repealed December 31, 2026.
- 4460 (39) Subsection 26B-5-609(3)(b), regarding the Behavioral Health Crisis Response
 4461 Committee, is repealed December 31, 2026.
- 4462 (40) Subsection 26B-5-610(1)(b), regarding the Behavioral Health Crisis Response
 4463 Committee, is repealed December 31, 2026.
- 4464 (41) Subsection 26B-5-610(2)(b)(ii), regarding the Behavioral Health Crisis Response
 4465 Committee, is repealed December 31, 2026.
- 4466 (42) Section 26B-5-612, Integrated behavioral health care grant programs, is repealed
 4467 December 31, 2025.
- 4468 (43) Title 26B, Chapter 5, Part 7, Utah Behavioral Health Commission, is repealed July 1,
 4469 2029.
- 4470 (44) Subsection 26B-5-704(2)(a), regarding the Behavioral Health Crisis Response
 4471 Committee, is repealed December 31, 2026.
- 4472 [~~(45) Subsection 26B-5-704(2)(b), regarding the Education and Mental Health~~
 4473 ~~Coordinating Committee, is repealed December 31, 2024.]~~
- 4474 [~~(46)~~ (45) Title 26B, Chapter 5, Part 8, Utah Substance Use and Mental Health Advisory
 4475 Committee, is repealed January 1, 2033.
- 4476 [~~(47)~~ (46) Section 26B-7-119, Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 4477 [~~(48)~~ (47) Section 26B-7-122, Communication Habits to reduce Adolescent Threats Pilot
 4478 Program, is repealed July 1, 2029.
- 4479 [~~(49)~~ (48) Section 26B-7-123, Report on CHAT campaign, is repealed July 1, 2029.
- 4480 [~~(50)~~ (49) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
 4481 2026.
- 4482 Section 29. Section **63I-1-241** is amended to read:

- 4483 **63I-1-241 . Repeal dates: Title 41.**
- 4484 (1) Subsection 41-1a-1201(8), regarding the Brain and Spinal Cord Injury Fund, is repealed
4485 July 1, 2029.
- 4486 (2) Subsection 41-6a-102(34), regarding lane filtering, is repealed July 1, 2027.
- 4487 (3) Subsection 41-6a-704(6), regarding lane filtering, is repealed July 1, 2027.
- 4488 (4) Subsection 41-6a-710(1)(c), regarding lane filtering, is repealed July 1, 2027.
- 4489 (5) Subsection [~~41-6a-1406(6)(b)(iii)~~] 41-6a-1406(7)(b)(iii), regarding the Brain and Spinal
4490 Cord Injury Fund, is repealed July 1, 2029.
- 4491 (6) Subsection 41-22-2(1), regarding an advisory council addressing off-highway vehicle
4492 issues, is repealed July 1, 2027.
- 4493 (7) Subsection 41-22-10(1), regarding an advisory council addressing off-highway vehicle
4494 issues, is repealed July 1, 2027.
- 4495 (8) Subsection 41-22-8(3)(b), regarding the Brain and Spinal Cord Injury Fund, is repealed
4496 July 1, 2029.
- 4497 Section 30. Section **63I-1-253** is amended to read:
- 4498 **63I-1-253 . Repeal dates: Titles 53 through 53G.**
- 4499 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is
4500 repealed July 1, 2028.
- 4501 (2) Section 53-2a-105, Emergency Management Administration Council created --
4502 Function -- Composition -- Expenses, is repealed July 1, 2029.
- 4503 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation,
4504 is repealed July 1, 2027.
- 4505 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is
4506 repealed July 1, 2027.
- 4507 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 4508 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership --
4509 Expenses, is repealed July 1, 2029.
- 4510 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance
4511 Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking --
4512 Advisory board, is repealed July 1, 2027.
- 4513 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed
4514 July 1, 2029.
- 4515 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 4516 (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem

- 4517 -- Report -- Expiration, is repealed December 31, 2025.
- 4518 (11) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is
4519 repealed December 31, 2025.
- 4520 (12) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council,
4521 is repealed July 1, 2027.
- 4522 (13) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 4523 (14) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,
4524 2028.
- 4525 (15) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 4526 (16) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members,
4527 is repealed January 1, 2030.
- 4528 (17) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 4529 (18) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 4530 (19) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
4531 Research Center, is repealed July 1, 2028.
- 4532 (20) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1,
4533 2027.
- 4534 (21) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land
4535 Exchange Distribution Account to the Geological Survey for test wells and other
4536 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 4537 (22) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council,
4538 is repealed July 1, 2027.
- 4539 (23) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of
4540 governmental immunity, is repealed July 1, 2027.
- 4541 (24) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is
4542 repealed July 1, 2027.
- 4543 (25) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is
4544 repealed July 1, 2027.
- 4545 (26) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed
4546 January 1, 2028.
- 4547 (27) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 4548 (28) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
4549 repealed July 1, 2033.
- 4550 (29) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental

- 4551 immunity, is repealed July 1, 2027.
- 4552 [~~(30)~~ (30) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed
4553 July 1, 2024.]
- 4554 [~~(31)~~ (30) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 4555 [~~(32)~~ (31) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,
4556 2025.
- 4557 [~~(33)~~ (32) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is
4558 repealed July 1, 2025.
- 4559 [~~(34)~~ (33) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July
4560 1, 2027.
- 4561 [~~(35)~~ (34) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is
4562 repealed January 1, 2025.
- 4563 [~~(36)~~ (35) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is
4564 repealed January 1, 2025.
- 4565 [~~(37)~~ (36) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
4566 Section 31. Section **63I-1-263** is amended to read:
4567 **63I-1-263 . Repeal dates: Titles 63A to 63O.**
- 4568 [~~(1)~~ (1) Subsection 63A-5b-405(5), regarding prioritizing and allocating capital improvement
4569 funding, is repealed July 1, 2024.]
- 4570 [~~(2)~~ (1) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
4571 1, 2028.
- 4572 [~~(3)~~ (2) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- 4573 [~~(4)~~ (3) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed
4574 December 31, 2026.
- 4575 [~~(5)~~ (4) Title 63C, Chapter 23, Education and Mental Health Coordinating Committee, is
4576 repealed December 31, 2024.]
- 4577 [~~(6)~~ (4) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.
- 4578 [~~(7)~~ (5) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 4579 [~~(8)~~ (6) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 4580 [~~(9)~~ (7) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed
4581 July 1, 2028.
- 4582 [~~(10)~~ (8) Section 63G-6a-805, Purchase from community rehabilitation programs, is
4583 repealed July 1, 2026.
- 4584 [~~(11)~~ (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,

- 4585 2028.
- 4586 ~~[(12)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July
4587 1, 2029.
- 4588 ~~[(13)]~~ (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 4589 ~~[(14)]~~ (12) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce
4590 Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 4591 ~~[(15)]~~ (13) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is
4592 repealed January 1, 2025.
- 4593 ~~[(16)]~~ (14) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- 4594 ~~[(17)]~~ (15) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee,
4595 is repealed July 1, 2027.
- 4596 ~~[(18)]~~ (16) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is
4597 repealed July 1, 2027.
- 4598 ~~[(19)]~~ (17) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses,
4599 is repealed July 1, 2029.
- 4600 ~~[(20)]~~ (18) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 4601 ~~[(21)]~~ (19) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
4602 repealed January 1, 2030.
- 4603 ~~[(22)]~~ (20) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 4604 ~~[(23)]~~ (21) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is
4605 repealed July 1, 2025.
- 4606 ~~[(24)]~~ (22) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 4607 ~~[(25)]~~ (23) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
4608 repealed July 1, 2027.
- 4609 ~~[(26)]~~ (24) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
4610 repealed July 1, 2025.
- 4611 ~~[(27)]~~ (25) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
4612 July 1, 2028.
- 4613 ~~[(28)]~~ (26) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is
4614 repealed July 1, 2027.
- 4615 ~~[(29)]~~ (27) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion
4616 Program, is repealed July 1, 2028.
- 4617 ~~[(30)]~~ (28) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is
4618 repealed July 1, 2025.

- 4619 ~~[(31)]~~ (29) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of
4620 Tourism to receive approval from the Board of Tourism Development, is repealed July
4621 1, 2025.
- 4622 ~~[(32)]~~ (30) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1,
4623 2025.
- 4624 Section 32. Section **63I-1-267** is amended to read:
4625 **63I-1-267 . Repeal dates: Title 67.**
- 4626 (1) Section 67-1-8.1, Executive Residence Commission -- Recommendations as to use,
4627 maintenance, and operation of executive residence, is repealed July 1, 2027.
- 4628 (2) Section 67-1-15, Approval of international trade agreement -- Consultation with Utah
4629 International Relations and Trade Commission, is repealed December 31, 2027.
- 4630 ~~[(3) Section 67-3-11, Health care price transparency tool -- Transparency tool requirements,
4631 is repealed July 1, 2024.]~~
- 4632 ~~[(4)]~~ (3) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027.
- 4633 Section 33. Section **63I-2-204** is amended to read:
4634 **63I-2-204 . Repeal dates: Title 4.**
- 4635 (1) Section 4-11-117, Beekeeping working group -- Development of standards, is repealed
4636 May 1, 2025.
- 4637 (2) Subsection 4-41a-102(6), regarding the Cannabis Research Review Board, is repealed
4638 July 1, 2026.
- 4639 ~~[(3) Section 4-46-104, Transition, is repealed July 1, 2024.]~~
- 4640 Section 34. Section **63I-2-207** is amended to read:
4641 **63I-2-207 . Repeal dates: Title 7.**
- 4642 ~~[(1) Section 7-3-40, Board of Bank Advisors, is repealed October 1, 2024.]~~
- 4643 ~~[(2) Section 7-9-43, Board of Credit Union Advisors, is repealed October 1, 2024.]~~
- 4644 Reserved.
- 4645 Section 35. Section **63I-2-209** is amended to read:
4646 **63I-2-209 . Repeal dates: Title 9.**
- 4647 ~~[(1) Section 9-6-303, Arts collection committee, is repealed October 1, 2024.]~~
- 4648 ~~[(2)]~~ (1) Subsection 9-6-402(1)(b), regarding public art installations, is repealed January 1,
4649 2035.
- 4650 ~~[(3)]~~ (2) Subsection 9-6-403(4), regarding public art installations, is repealed January 1,
4651 2035.
- 4652 ~~[(4)]~~ (3) Subsection 9-6-403(6)(b), regarding public art installations, is repealed January 1,

- 4653 2035.
- 4654 [(5)] (4) Subsection 9-6-404(2)(a)(i), regarding the use of an appropriation received by or
 4655 available for a new state building that is not in a county of the first class, is repealed
 4656 January 1, 2035.
- 4657 [(6)] (5) Subsection 9-6-404(2)(b), regarding an appropriation received or made available
 4658 for a new state building in a county of the first class, is repealed January 1, 2035.
- 4659 [(7)] (6) Section 9-6-410, Public Art Installation Initiative, is repealed January 1, 2035.
- 4660 [(8) Title 9, Chapter 17, Humanitarian Service and Educational and Cultural Exchange
 4661 Restricted Account Act, is repealed July 1, 2024.]
- 4662 [(9) Title 9, Chapter 18, Martin Luther King, Jr. Civil Rights Support Restricted Account
 4663 Act, is repealed July 1, 2024.]
- 4664 [(10) Title 9, Chapter 19, National Professional Men's Soccer Team Support of Building
 4665 Communities Restricted Account Act, is repealed July 1, 2024.]
- 4666 Section 36. Section **63I-2-213** is amended to read:
 4667 **63I-2-213 . Repeal dates: Title 13.**
- 4668 [(1) Section 13-1-16, Latino Community Support Restricted Account, is repealed July 1,
 4669 2024.]
- 4670 [(2) Section 13-14-103, Utah Motor Vehicle Franchise Advisory Board -- Creation --
 4671 Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of
 4672 interest, is repealed October 1, 2024.]
- 4673 [(3) Section 13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation --
 4674 Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of
 4675 interest, is repealed October 1, 2024.]
- 4676 [(4)] (1) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program
 4677 start date, as defined in Section 63G-12-102.
- 4678 [(5)] (2) Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed May 1, 2025.
- 4679 Section 37. Section **63I-2-219** is amended to read:
 4680 **63I-2-219 . Repeal dates: Title 19.**
- 4681 [(1) Section 19-1-109, Clean Air Support Restricted Account, is repealed July 1, 2024.]
- 4682 [(2) Section 19-2a-102.5, Emissions reduction plan study and recommendations, is repealed
 4683 July 1, 2024.] Reserved.
- 4684 Section 38. Section **63I-2-223** is amended to read:
 4685 **63I-2-223 . Repeal dates: Title 23A.**
- 4686 [Section 23A-3-203, Support for State-Owned Shooting Ranges Restricted Account, is

- 4687 repealed July 1, 2024.] Reserved.
- 4688 Section 39. Section **63I-2-226** is amended to read:
- 4689 **63I-2-226 . Repeal dates: Titles 26 through 26B.**
- 4690 [(1) Section 26B-1-241, Tardive dyskinesia, is repealed July 1, 2024.]
- 4691 [(2) Section 26B-1-302, National Professional Men's Basketball Team Support of Women
4692 and Children Issues Restricted Account, is repealed July 1, 2024.]
- 4693 [(3) Section 26B-1-309, Medicaid Restricted Account, is repealed July 1, 2024.]
- 4694 [(4) Section 26B-1-313, Cancer Research Restricted Account, is repealed July 1, 2024.]
- 4695 [(5)] (1) Section 26B-1-420, Cannabis Research Review Board, is repealed July 1, 2026.
- 4696 [(6)] (2) Subsection 26B-1-421(9)(a), regarding a report to the Cannabis Research Review
4697 Board, is repealed July 1, 2026.
- 4698 [(7)] (3) Section 26B-1-423, Rural Physician Loan Repayment Program Advisory
4699 Committee -- Membership -- Compensation -- Duties, is repealed July 1, 2026.
- 4700 [(8)] (4) Section 26B-2-243, Data collection and reporting requirements concerning
4701 incidents of abuse, neglect, or exploitation, is repealed July 1, 2027.
- 4702 [(9) Section 26B-3-142, Long-acting injectables, is repealed July 1, 2024.]
- 4703 [(10)] (5) Subsection 26B-3-215(5), regarding reporting on coverage for in vitro fertilization
4704 and genetic testing, is repealed July 1, 2030.
- 4705 [(11)] (6) Subsection 26B-4-201(5), regarding the Cannabis Research Review Board, is
4706 repealed July 1, 2026.
- 4707 [(12)] (7) Subsection 26B-4-212(1)(b), regarding the Cannabis Research Review Board, is
4708 repealed July 1, 2026.
- 4709 [(13)] (8) Section 26B-4-702, Creation of Utah Health Care Workforce Financial Assistance
4710 Program, is repealed July 1, 2027.
- 4711 [(14)] (9) Subsection 26B-4-703(3)(b), regarding per diem and expenses for the Rural
4712 Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4713 [(15)] (10) Subsection 26B-4-703(3)(c), regarding expenses for the Rural Physician Loan
4714 Repayment Program, is repealed July 1, 2026.
- 4715 [(16)] (11) Subsection 26B-4-703(6)(b), regarding recommendations from the Rural
4716 Physician Loan Repayment Program Advisory Committee, is repealed July 1, 2026.
- 4717 [(17)] (12) Section 26B-5-117, Early childhood mental health support grant program, is
4718 repealed January 2, 2025.
- 4719 [(18)] (13) Section 26B-5-302.5, Study concerning civil commitment and the Utah State
4720 Hospital, is repealed July 1, 2025.

- 4721 [(19)] (14) Section 26B-6-414, Respite care services, is repealed July 1, 2025.
- 4722 [(20)] (15) Section 26B-7-120, Invisible condition alert program education and outreach, is
4723 repealed July 1, 2025.
- 4724 Section 40. Section **63I-2-232** is amended to read:
- 4725 **63I-2-232 . Repeal dates: Title 32B.**
- 4726 [(1) Subsection 32B-1-603.5(7), regarding the Department of Alcoholic Beverage Services'
4727 review of beer that is sold or distributed in the state, is repealed December 31, 2024.]
- 4728 [(2)] Subsection 32B-2-205(4), regarding a workgroup to make recommendations regarding
4729 training and recordkeeping for certain cash transactions, is repealed January 1, 2025.
- 4730 Section 41. Section **63I-2-235** is amended to read:
- 4731 **63I-2-235 . Repeal dates: Title 35A.**
- 4732 Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers --
4733 Reporting requirements, is repealed June 30, 2025.
- 4734 [(1) Section 35A-13-301, Title, is repealed October 1, 2024.]
- 4735 [(2) Section 35A-13-302, Governor's Committee on Employment of People with
4736 Disabilities, is repealed October 1, 2024.]
- 4737 Section 42. Section **63I-2-236** is amended to read:
- 4738 **63I-2-236 . Repeal dates: Title 36.**
- 4739 (1) Section 36-12-8.2, Medical cannabis governance structure working group, is repealed
4740 July 1, 2025.
- 4741 [(2) Section 36-29-107.5, Murdered and Missing Indigenous Relatives Task Force --
4742 Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --
4743 Interim report, is repealed November 30, 2024.]
- 4744 [(3)] (2) Section 36-29-109, Utah Broadband Center Advisory Commission, is repealed
4745 November 30, 2027.
- 4746 [(4) Section 36-29-110, Blockchain and Digital Innovation Task Force, is repealed
4747 November 30, 2024.]
- 4748 Section 43. Section **63I-2-253** is amended to read:
- 4749 **63I-2-253 . Repeal dates: Titles 53 through 53G.**
- 4750 [(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July
4751 1, 2024.]
- 4752 [(2) Section 53-1-118, Public Safety Honoring Heroes Restricted Account -- Creation --
4753 Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.]
- 4754 [(3) Section 53-1-120, Utah Law Enforcement Memorial Support Restricted Account --

- 4755 Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1,
4756 2024.]
- 4757 [~~(4) Section 53-2a-303, Statewide mutual aid committee, is repealed October 1, 2024.~~]
- 4758 [~~(5) (1) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed~~
4759 July 1, 2026.
- 4760 [~~(6) Section 53-2d-101.1, Contracting authority -- Rulemaking authority, is repealed July 1,~~
4761 2024.]
- 4762 [~~(7) Section 53-2d-107, Air Ambulance Committee -- Membership -- Duties, is repealed~~
4763 July 1, 2024.]
- 4764 [~~(8) Section 53-2d-302, Trauma system advisory committee, is repealed October 1, 2024.~~]
- 4765 [~~(9) Section 53-7-109, Firefighter Support Restricted Account, is repealed July 1, 2024.~~]
- 4766 [~~(10) Section 53-9-104, Board -- Creation -- Qualifications -- Appointments -- Terms --~~
4767 Immunity, is repealed October 1, 2024.]
- 4768 [~~(11) Section 53-9-105, Powers and duties of the board, is repealed October 1, 2024.~~]
- 4769 [~~(12) Section 53-9-106, Meetings -- Hearings, is repealed October 1, 2024.~~]
- 4770 [~~(13) (2) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per~~
4771 diem -- Report -- Expiration, is repealed December 31, 2025.
- 4772 [~~(14) (3) Section 53-22-104.2, The School Security Task Force -- Education Advisory~~
4773 Board, is repealed December 31, 2025.
- 4774 [~~(15) (4) Section 53-25-103, Airport dangerous weapon possession reporting requirements,~~
4775 is repealed December 31, 2031.
- 4776 [~~(16) Section 53B-8-114, Continuation of previously authorized scholarships, is repealed~~
4777 July 1, 2024.]
- 4778 [~~(17) (5) Section 53B-10-101, Terrel H. Bell Teaching Incentive Loans program -- Eligible~~
4779 students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet
4780 requirements -- Duration of incentive loans, is repealed July 1, 2027.
- 4781 [~~(18) (6) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for Highly~~
4782 Needed Educators, is repealed July 1, 2026.
- 4783 [~~(19) Section 53F-2-524, Teacher bonuses for extra assignments, is repealed July 1, 2024.~~]
- 4784 [~~(20) (7) Section 53F-5-221, Management of energy and water use pilot program, is~~
4785 repealed July 1, 2028.
- 4786 [~~(21) (8) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and~~
4787 Refinement Pilot Program, is repealed July 1, 2028.
- 4788 [~~(22) (9) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed July~~

- 4789 1, 2028.
- 4790 [~~(23)~~ Section 53F-9-401, Autism Awareness Restricted Account, is repealed July 1, 2024.]
- 4791 [~~(24)~~ Section 53F-9-403, Kiwanis Education Support Fund, is repealed July 1, 2024.]
- 4792 [~~(25)~~ (10) Subsection 53G-11-502(1), regarding implementation of the educator evaluation
- 4793 process, is repealed July 1, 2029.
- 4794 [~~(26)~~ (11) Section 53G-11-506, Establishment of educator evaluation program -- Joint
- 4795 committee, is repealed July 1, 2029.
- 4796 [~~(27)~~ (12) Section 53G-11-507, Components of educator evaluation program, is repealed
- 4797 July 1, 2029.
- 4798 [~~(28)~~ (13) Section 53G-11-508, Summative evaluation timelines -- Review of summative
- 4799 evaluations, is repealed July 1, 2029.
- 4800 [~~(29)~~ (14) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.
- 4801 [~~(30)~~ (15) Section 53G-11-510, State board to describe a framework for the evaluation of
- 4802 educators, is repealed July 1, 2029.
- 4803 [~~(31)~~ (16) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.
- 4804 [~~(32)~~ (17) Subsection 53G-11-520(1), regarding optional alternative educator evaluation
- 4805 processes, is repealed July 1, 2029.
- 4806 [~~(33)~~ (18) Subsection 53G-11-520(2), regarding an exception from educator evaluation
- 4807 process requirements, is repealed July 1, 2029.
- 4808 Section 44. Section **63I-2-258** is amended to read:
- 4809 **63I-2-258 . Repeal dates: Title 58.**
- 4810 [(1) Section 58-42a-201, Board, is repealed October 1, 2024.]
- 4811 [(2) Section 58-44a-201, Board, is repealed October 1, 2024.]
- 4812 [(3) Section 58-53-201, Creation of board -- Duties, is repealed October 1, 2024.]
- 4813 [(4) Section 58-68-201, Board, is repealed October 1, 2024.]
- 4814 [(5) Section 58-70a-201, Board, is repealed October 1, 2024.]
- 4815 [(6) Section 58-72-201, Acupuncture Licensing Board, is repealed October 1, 2024.]
- 4816 Reserved.
- 4817 Section 45. Section **63I-2-259** is amended to read:
- 4818 **63I-2-259 . Repeal dates: Title 59.**
- 4819 [(1) Subsection 59-7-610(8), regarding claiming a tax credit in the same taxable year as the
- 4820 targeted business income tax credit, is repealed December 31, 2024.]
- 4821 [(2) Subsection 59-7-614.10(5), regarding claiming a tax credit in the same taxable year as
- 4822 the targeted business income tax credit, is repealed December 31, 2024.]

- 4823 [~~(3) Section 59-7-624, Targeted business income tax credit, is repealed December 31, 2024.]~~
- 4824 [~~(4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December~~
- 4825 ~~31, 2024.]~~
- 4826 [~~(5) Subsection 59-10-1007(8), regarding claiming a tax credit in the same taxable year as~~
- 4827 ~~the targeted business income tax credit, is repealed December 31, 2024.]~~
- 4828 [~~(6) Subsection 59-10-1037(5), regarding claiming a tax credit in the same taxable year as~~
- 4829 ~~the targeted business income tax credit, is repealed December 31, 2024.]~~
- 4830 [~~(7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,~~
- 4831 ~~2024.] Reserved.~~
- 4832 Section 46. Section **63I-2-263** is amended to read:
- 4833 **63I-2-263 . Repeal dates: Titles 63A through 63O.**
- 4834 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
- 4835 Procurement Advisory Council is repealed July 1, 2025.
- 4836 (2) Section 63A-17-806, Definitions -- Infant at Work Pilot Program -- Administration --
- 4837 Report, is repealed June 30, 2026.
- 4838 (3) Section 63C-1-103, Appointment and terms of boards, committees, councils, and
- 4839 commissions transitioning on October 1, 2024, or December 31, 2024, is repealed July
- 4840 1, 2025.
- 4841 (4) Section 63C-1-104, Appointment and terms of boards transitioning on October 1, 2024,
- 4842 is repealed January 1, 2025.
- 4843 [~~(5) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed October 1,~~
- 4844 ~~2024.]~~
- 4845 [~~(6) (5) Subsection 63G-6a-802(1)(e), regarding a procurement for a presidential debate, is~~
- 4846 ~~repealed January 1, 2025.~~
- 4847 [~~(7) (6) Subsection 63G-6a-802(3)(b)(iii), regarding a procurement for a presidential~~
- 4848 ~~debate, is repealed January 1, 2025.~~
- 4849 [~~(8) (7) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety~~
- 4850 ~~communications network, is repealed July 1, 2033.~~
- 4851 [~~(9) (8) Subsection [63J-1-602.2(47)] 63J-1-602.2(46), regarding appropriations to the State~~
- 4852 ~~Tax Commission for deferral reimbursements, is repealed July 1, 2027.~~
- 4853 [~~(10) (9) Section 63M-7-221, Expungement working group, is repealed April 30, 2025.~~
- 4854 [~~(11) Section 63M-7-504, Crime Victim Reparations and Assistance Board -- Members, is~~
- 4855 ~~repealed December 31, 2024.]~~
- 4856 [~~(12) Section 63M-7-505, Board and office within Commission on Criminal and Juvenile~~

- 4857 Justice, is repealed December 31, 2024.]
- 4858 [(13) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
- 4859 December 31, 2024.]
- 4860 [(14) Subsection 63N-2-213(12)(a), regarding claiming a tax credit in the same taxable year
- 4861 as the targeted business income tax credit, is repealed December 31, 2024.]
- 4862 [(15) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise
- 4863 Zone, is repealed December 31, 2024.]
- 4864 Section 47. Section **63I-2-272** is amended to read:
- 4865 **63I-2-272 . Repeal dates: Title 72.**
- 4866 [(1)] Subsection 72-1-213.1(13), regarding the road usage charge rate and road usage
- 4867 charge cap, is repealed January 1, 2033.
- 4868 [(2) Section 72-2-127, Share the Road Bicycle Support Restricted Account, is repealed July
- 4869 1, 2024.]
- 4870 Section 48. Section **63I-2-278** is amended to read:
- 4871 **63I-2-278 . Repeal dates: Titles 78A through 78B.**
- 4872 [Section 78A-2-804, Guardian Ad Litem Services Account established -- Funding, is
- 4873 repealed July 1, 2024.] Reserved.
- 4874 Section 49. Section **63I-2-279** is amended to read:
- 4875 **63I-2-279 . Repeal dates: Title 79.**
- 4876 [(1) Section 79-2-206, Transition, is repealed July 1, 2024.]
- 4877 [(2)] (1) Section 79-2-407, Study of funding for water infrastructure costs, is repealed July
- 4878 1, 2025.
- 4879 [(3)] (2) Subsection 79-4-1002(2), regarding a pilot program for veteran free admission to
- 4880 state parks, is repealed July 1, 2025.
- 4881 [(4) Section 79-7-303, Zion National Park Support Programs Restricted Account, is
- 4882 repealed July 1, 2024.]
- 4883 Section 50. Section **63O-1-101** is amended to read:
- 4884 **63O-1-101 . Definitions.**
- 4885 As used in this title:
- 4886 (1) "Architectural integrity" means the architectural elements, materials, color, and quality
- 4887 of the original building construction.
- 4888 (2) "Area of joint control" means all areas that are specified under this chapter as being
- 4889 under the direction and control of both the Legislature and the governor.
- 4890 (3) "Board" means the State Capitol Preservation Board created in Section [63C-9-201]

- 4891 63O-2-201.
- 4892 (4) "Capitol hill" means the following, in Salt Lake City:
- 4893 (a) the grounds, monuments, parking areas, buildings, structures, and other man-made
- 4894 and natural objects within the area bounded by 300 North Street, Columbus Street,
- 4895 500 North Street, and East Capitol Boulevard;
- 4896 (b) the White Community Memorial Chapel, including the grounds, monuments, parking
- 4897 areas, buildings, structures, and other man-made and natural objects on the property;
- 4898 (c) the Council Hall Travel Information Center, including the grounds, monuments,
- 4899 parking areas, buildings, structures, and other man-made and natural objects on the
- 4900 property;
- 4901 (d) the Daughters of the Utah Pioneers Building and the Carriage House, including:
- 4902 (i) the grounds, monuments, parking areas, buildings, structures, and other man-made
- 4903 and natural objects on the property; and
- 4904 (ii) the other state-owned property within the area bounded by Columbus Street,
- 4905 North Main Street, and Apricot Avenue;
- 4906 (e) the Central Plant, located to the southeast of the intersection of 500 North and
- 4907 Columbus Street;
- 4908 (f) the state-owned property within the area bounded by Columbus Street, Wall Street,
- 4909 and 400 North Street; and
- 4910 (g) the state-owned property within the area bounded by Columbus Street, West Capitol
- 4911 Street, and 500 North Street.
- 4912 (5) "Governor's area" means all areas, other than an area of joint control, that are specified
- 4913 under this chapter as being under the direction and control of the governor.
- 4914 (6) "House Building" means the west building on capitol hill that is located northwest of the
- 4915 State Capitol, southwest of the North Building, and west of the Senate Building.
- 4916 (7) "Legislative area" means all areas, other than an area of joint control, that are specified
- 4917 under this chapter as being under the direction and control of the Legislature.
- 4918 (8) "Legislative day" means:
- 4919 (a) a day during the annual general session of the Legislature;
- 4920 (b) a day during a special session of the Legislature;
- 4921 (c) a day during which the House of Representatives is convened under Utah
- 4922 Constitution, Article VI, Section 17;
- 4923 (d) a day during which the Senate is convened under Utah Constitution, Article VI,
- 4924 Section 18;

- 4925 (e) a day during a veto override session; or
- 4926 (f) a day designated by the Legislative Management Committee as a legislative day for
- 4927 meetings of the House of Representatives, the Senate, or a committee, task force,
- 4928 caucus, or other group of the legislative branch.
- 4929 (9) "North Building" means the building on capitol hill that is located north of the State
- 4930 Capitol, northeast of the House Building, and northwest of the Senate Building.
- 4931 (10) "Senate Building" means the building on capitol hill that is located northeast of the
- 4932 State Capitol, southeast of the North Building, and east of the House Building.
- 4933 (11) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- 4934 (12)(a) "Tunnels" means all utility and security tunnels, corridors, and hallways on the
- 4935 basement level of capitol hill.
- 4936 (b) "Tunnels" does not include the underground parking.
- 4937 Section 51. Section **65A-5-1** is amended to read:
- 4938 **65A-5-1 . Sovereign Lands Management Account.**
- 4939 (1) There is created within the General Fund a restricted account known as the "Sovereign
- 4940 Lands Management Account."
- 4941 (2) The Sovereign Lands Management Account shall consist of the following:
- 4942 (a) the revenues derived from sovereign lands, except for revenues deposited into the
- 4943 Great Salt Lake Account under Section 73-32-304;
- 4944 (b) that portion of the revenues derived from mineral leases on other lands managed by
- 4945 the division necessary to recover management costs;
- 4946 (c) revenues derived from the Great Salt Lake Preservation support special group license
- 4947 plate described in Sections 41-1a-418 and 41-1a-422;
- 4948 (d) fees deposited by the division;
- 4949 (e) amounts deposited into the account in accordance with Section 59-23-4; and
- 4950 (f) amounts deposited into the account in accordance with Section 59-5-202.
- 4951 (3)(a) The expenditures of the division relating directly to the management of sovereign
- 4952 lands shall be funded by appropriation by the Legislature from the Sovereign Lands
- 4953 Management Account or other sources.
- 4954 (b) Money in the Sovereign Lands Management Account may be used only for the direct
- 4955 benefit of sovereign lands, including the management of sovereign lands.
- 4956 (c) In appropriating money from the Sovereign Lands Management Account, the
- 4957 Legislature shall prefer appropriations that benefit the sovereign land from which the
- 4958 money is derived unless compelling circumstances require that money be

4959 appropriated for sovereign land other than the sovereign land from which the money
4960 is derived.

4961 (4) The division shall use the amount deposited into the account under Subsection [~~(2)(d)~~]
4962 (2)(e) for the Great Salt Lake as described in Section 65A-17-201 as directed by the
4963 Great Salt Lake Advisory Council created in Section 73-32-302.

4964 Section 52. Section **67-22-2** is amended to read:

4965 **67-22-2 . Compensation -- Other state officers.**

4966 (1) As used in this section:

4967 (a) "Appointed executive" means the:

4968 (i) commissioner of the Department of Agriculture and Food;

4969 (ii) commissioner of the Insurance Department;

4970 (iii) commissioner of the Labor Commission;

4971 (iv) director, Department of Alcoholic Beverage Services;

4972 (v) commissioner of the Department of Financial Institutions;

4973 (vi) executive director, Department of Commerce;

4974 (vii) executive director, Commission on Criminal and Juvenile Justice;

4975 (viii) adjutant general;

4976 (ix) executive director, Department of Cultural and Community Engagement;

4977 (x) executive director, Department of Corrections;

4978 (xi) commissioner, Department of Public Safety;

4979 (xii) executive director, Department of Natural Resources;

4980 (xiii) executive director, Governor's Office of Planning and Budget;

4981 (xiv) executive director, Department of Government Operations;

4982 (xv) executive director, Department of Environmental Quality;

4983 (xvi) executive director, Governor's Office of Economic Opportunity;

4984 (xvii) executive director, Department of Workforce Services;

4985 (xviii) executive director, Department of Health and Human Services, Nonphysician;

4986 (xix) executive director, Department of Transportation;

4987 (xx) executive director, Department of Veterans and Military Affairs;

4988 (xxi) executive director, Public Lands Policy Coordinating Office, created in Section
4989 63L-11-201;

4990 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and

4991 (xxiii) Utah water agent, appointed under Section [~~73-10g-602~~] 73-10g-702.

4992 (b) "Board or commission executive" means:

- 4993 (i) members, Board of Pardons and Parole;
- 4994 (ii) chair, State Tax Commission;
- 4995 (iii) commissioners, State Tax Commission;
- 4996 (iv) executive director, State Tax Commission;
- 4997 (v) chair, Public Service Commission; and
- 4998 (vi) commissioners, Public Service Commission.
- 4999 (c) "Deputy" means the person who acts as the appointed executive's second in
- 5000 command as determined by the Division of Human Resource Management.
- 5001 (2)(a) The director of the Division of Human Resource Management shall:
- 5002 (i) before October 31 of each year, recommend to the governor a compensation plan
- 5003 for the appointed executives and the board or commission executives; and
- 5004 (ii) base those recommendations on market salary studies conducted by the Division
- 5005 of Human Resource Management.
- 5006 (b)(i) The Division of Human Resource Management shall determine the salary range
- 5007 for the appointed executives by:
- 5008 (A) identifying the salary range assigned to the appointed executive's deputy;
- 5009 (B) designating the lowest minimum salary from those deputies' salary ranges as
- 5010 the minimum salary for the appointed executives' salary range; and
- 5011 (C) designating 105% of the highest maximum salary range from those deputies'
- 5012 salary ranges as the maximum salary for the appointed executives' salary range.
- 5013 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
- 5014 may not consider that deputy's salary range in designating the salary range for
- 5015 appointed executives.
- 5016 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
- 5017 board or commission executives, the Division of Human Resource Management
- 5018 shall set the maximum salary in the salary range for each of those positions at
- 5019 90% of the salary for district judges as established in the annual appropriation act
- 5020 under Section 67-8-2.
- 5021 (ii) In establishing the salary ranges for an individual described in Subsection
- 5022 (1)(b)(ii) or (iii), the Division of Human Resource Management shall set the
- 5023 maximum salary in the salary range for each of those positions at 100% of the
- 5024 salary for district judges as established in the annual appropriation act under
- 5025 Section 67-8-2.
- 5026 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the

- 5027 governor shall establish a specific salary for each appointed executive within the
5028 range established under Subsection (2)(b).
- 5029 (ii) If the executive director of the Department of Health and Human Services is a
5030 physician, the governor shall establish a salary within the highest physician salary
5031 range established by the Division of Human Resource Management.
- 5032 (iii) The governor may provide salary increases for appointed executives within the
5033 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 5034 (b) The governor shall apply the same overtime regulations applicable to other FLSA
5035 exempt positions.
- 5036 (c) The governor may develop standards and criteria for reviewing the appointed
5037 executives.
- 5038 (d) If under Section [~~73-10g-602~~] 73-10g-702 the governor appoints an individual who is
5039 serving in an appointed executive branch position to be the Utah water agent, the
5040 governor shall adjust the salary of the Utah water agent to account for salary received
5041 for the appointed executive branch position.
- 5042 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not
5043 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
5044 Salary Act, shall be established as provided in Section 63A-17-301.
- 5045 (5)(a) The Legislature fixes benefits for the appointed executives and the board or
5046 commission executives as follows:
- 5047 (i) the option of participating in a state retirement system established by Title 49,
5048 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation
5049 plan administered by the State Retirement Office in accordance with the Internal
5050 Revenue Code and its accompanying rules and regulations;
- 5051 (ii) health insurance;
- 5052 (iii) dental insurance;
- 5053 (iv) basic life insurance;
- 5054 (v) unemployment compensation;
- 5055 (vi) workers' compensation;
- 5056 (vii) required employer contribution to Social Security;
- 5057 (viii) long-term disability income insurance;
- 5058 (ix) the same additional state-paid life insurance available to other noncareer service
5059 employees;
- 5060 (x) the same severance pay available to other noncareer service employees;

- 5061 (xi) the same leave, holidays, and allowances granted to Schedule B state employees
5062 as follows:
- 5063 (A) sick leave;
 - 5064 (B) converted sick leave if accrued prior to January 1, 2014;
 - 5065 (C) educational allowances;
 - 5066 (D) holidays; and
 - 5067 (E) annual leave except that annual leave shall be accrued at the maximum rate
5068 provided to Schedule B state employees;
- 5069 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
5070 provided by law or rule upon resignation or retirement according to the same
5071 criteria and procedures applied to Schedule B state employees;
- 5072 (xiii) the option to purchase additional life insurance at group insurance rates
5073 according to the same criteria and procedures applied to Schedule B state
5074 employees; and
- 5075 (xiv) professional memberships if being a member of the professional organization is
5076 a requirement of the position.
- 5077 (b) Each department shall pay the cost of additional state-paid life insurance for its
5078 executive director from its existing budget.
- 5079 (6) The Legislature fixes the following additional benefits:
- 5080 (a) for the executive director of the State Tax Commission a vehicle for official and
5081 personal use;
 - 5082 (b) for the executive director of the Department of Transportation a vehicle for official
5083 and personal use;
 - 5084 (c) for the executive director of the Department of Natural Resources a vehicle for
5085 commute and official use;
 - 5086 (d) for the commissioner of Public Safety:
 - 5087 (i) an accidental death insurance policy if POST certified; and
 - 5088 (ii) a public safety vehicle for official and personal use;
 - 5089 (e) for the executive director of the Department of Corrections:
 - 5090 (i) an accidental death insurance policy if POST certified; and
 - 5091 (ii) a public safety vehicle for official and personal use;
 - 5092 (f) for the adjutant general a vehicle for official and personal use;
 - 5093 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
5094 official use; and

5095 (h) for the executive director of the Department of Veterans and Military Affairs a
 5096 vehicle for commute and official use.

5097 Section 53. Section **73-2-1.6** is amended to read:

5098 **73-2-1.6 . Water Rights Restricted Account.**

5099 (1) As used in this section:

5100 (a) "Account" means the Water Rights Restricted Account created by this section.

5101 (b) "Division" means the Division of Water Rights.

5102 (2) There is created in the General Fund a restricted account known as the "Water Rights
 5103 Restricted Account."

5104 (3) The account shall consist of the money deposited into the account under Subsection
 5105 59-12-103(5)(e).

5106 (4) Upon appropriation, the division may use money in the account for:

5107 (a) costs incurred by the division that benefit water rights adjudications, including:

5108 (i) employing technical staff;

5109 (ii) acquiring equipment;

5110 (iii) obtaining legal support; and

5111 (iv) conducting studies;

5112 (A) installing, operating, and maintaining measurement infrastructure; and

5113 (B) sharing the costs of installed United States Geological Survey stream gauges;

5114 and

5115 (b) not to exceed 5% of the money deposited into the account under Subsection
 5116 59-12-103(5)(e) in the fiscal year preceding the fiscal year of appropriation, costs
 5117 incurred by the division to acquire, manage, and analyze surface and groundwater
 5118 data, not limited to geographic areas of adjudication.

5119 (5)(a) The account may not exceed \$8,000,000 at the end of a fiscal year.

5120 (b) If the account exceeds \$8,000,000 at the end of a fiscal year, the Division of Finance
 5121 shall deposit into the Water Resources Conservation and Development Fund, created
 5122 in Section 73-10-24, the money in excess of the amount necessary to maintain the
 5123 account balance at \$8,000,000.

5124 Section 54. Section **73-10-18** is amended to read:

5125 **73-10-18 . Division of Water Resources -- Creation -- Power and authority.**

5126 (1) There is created the Division of Water Resources, which shall be within the Department
 5127 of Natural Resources under the administration and general supervision of the executive
 5128 director of the Department of Natural Resources and under the policy direction of the

- 5129 Board of Water Resources.
- 5130 (2) Except for the waters of the Colorado River system that are governed by Title 63M,
5131 Chapter 14, Colorado River Authority of Utah Act, or state representation under the
5132 Bear River Compact or Columbia Interstate Compact, the Division of Water Resources
5133 shall:
- 5134 (a) be the water resource authority for the state; and
- 5135 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah
5136 water and power board except those which are delegated to the board by this act and
5137 is vested with such other functions, powers, duties, rights and responsibilities as
5138 provided in this act and other law.
- 5139 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section
5140 73-10g-702, has authority over out-of-state negotiations related to water importation in
5141 accordance with Chapter 10g, Part [6] 7, Utah Water Agent, except when limited by
5142 Section 73-10g-703.
- 5143 Section 55. Section **76-5-404.3** is amended to read:
- 5144 **76-5-404.3 . Aggravated sexual abuse of a child -- Penalties.**
- 5145 (1)(a) As used in this section:
- 5146 (i) "Adult" means the same as that term is defined in Section 76-5-404.1.
- 5147 (ii) "Child" means the same as that term is defined in Section 76-5-404.1.
- 5148 (iii) "Position of special trust" means the same as that term is defined in Section
5149 76-5-404.1.
- 5150 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 5151 (2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense
5152 described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been
5153 charged and admitted or found true in the action for the offense:
- 5154 (a) the actor committed the offense:
- 5155 (i) by the use of a dangerous weapon;
- 5156 (ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or
5157 (iii) during the course of a kidnapping;
- 5158 (b) the actor caused bodily injury or severe psychological injury to the child during or as
5159 a result of the offense;
- 5160 (c) the actor was a stranger to the child or made friends with the child for the purpose of
5161 committing the offense;
- 5162 (d) the actor used, showed, or displayed pornography or caused the child to be

- 5163 photographed in a lewd condition during the course of the offense;
- 5164 (e) the actor, prior to sentencing for this offense, was previously convicted of any sexual
5165 offense;
- 5166 (f) the actor committed the same or similar sexual act upon two or more individuals at
5167 the same time or during the same course of conduct;
- 5168 (g) the actor committed, in Utah or elsewhere, more than five separate acts, which if
5169 committed in Utah would constitute an offense described in this chapter, and were
5170 committed at the same time, or during the same course of conduct, or before or after
5171 the instant offense;
- 5172 (h) the actor occupied a position of special trust in relation to the child; or
- 5173 (i) the actor encouraged, aided, allowed, or [~~benefitted~~] benefited from acts of
5174 prostitution or sexual acts by the child with any other individual, sexual performance
5175 by the child before any other individual, human trafficking, or human smuggling.
- 5176 (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree
5177 felony punishable by a term of imprisonment of:
- 5178 (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and
5179 which may be for life;
- 5180 (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact
5181 finds that during the course of the commission of the aggravated sexual abuse of a
5182 child the defendant caused serious bodily injury to another; or
- 5183 (c) life without parole, if the trier of fact finds that at the time of the commission of the
5184 aggravated sexual abuse of a child, the defendant was previously convicted of a
5185 grievous sexual offense.
- 5186 (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser
5187 term than the term described in Subsection (3)(a) or (b) is in the interests of justice and
5188 states the reasons for this finding on the record, the court may impose a term of
5189 imprisonment of not less than:
- 5190 (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or
- 5191 (b) for purposes of Subsection (3)(a) or (b):
- 5192 (i) 10 years and which may be for life; or
- 5193 (ii) six years and which may be for life.
- 5194 (5) The provisions of Subsection (4) do not apply if a defendant is sentenced under
5195 Subsection (3)(c).
- 5196 (6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years

5197 old at the time of the offense.

5198 (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

5199 Section 56. Section **77-11b-104** is amended to read:

5200 **77-11b-104 . Venue.**

5201 Notwithstanding [~~Title 78B, Chapter 3, Part 3, Place of Trial -- Venue~~] Title 78B,
 5202 Chapter 3a, Venue for Civil Actions, or any other provision of law, a person may bring an
 5203 action or proceeding under this chapter in the judicial district in which:

5204 (1) the property is seized;

5205 (2) any part of the property is found; or

5206 (3) a civil or criminal action could be maintained against a claimant for the offense
 5207 subjecting the property to forfeiture under this chapter.

5208 Section 57. Section **77-11c-402** is amended to read:

5209 **77-11c-402 . Exceptions to preservation of biological evidence.**

5210 (1) As used in this section, "offense concerning driving under the influence" means:

5211 (a) Section 41-6a-502;

5212 (b) Section 41-6a-502.5;

5213 (c) Section 41-6a-517;

5214 (d) Section 41-6a-530;

5215 (e) Section 76-5-102.1;

5216 (f) Section 76-5-207; and

5217 (g) a local ordinance similar to the offenses described in this Subsection (1).

5218 (2) Section [~~77-11c-402~~] 77-11c-401 does not apply to biological evidence obtained during
 5219 an investigation or prosecution for an offense concerning driving under the influence
 5220 solely for toxicology purposes.

5221 Section 58. Section **77-36-1** is amended to read:

5222 **77-36-1 . Definitions.**

5223 As used in this chapter:

5224 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

5225 (2) "Department" means the Department of Public Safety.

5226 (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4,
 5227 Part 4, Divorce.

5228 (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense
 5229 involving violence or physical harm or threat of violence or physical harm, or any
 5230 attempt, conspiracy, or solicitation to commit a criminal offense involving violence

- 5231 or physical harm, when committed by one cohabitant against another.
- 5232 (b) "Domestic violence" or "domestic violence offense" includes the commission of or
- 5233 attempt to commit, any of the following offenses by one cohabitant against another:
- 5234 (i) aggravated assault under Section 76-5-103;
- 5235 (ii) aggravated cruelty to an animal under Subsection 76-9-301(4), with the intent to
- 5236 harass or threaten the other cohabitant;
- 5237 (iii) assault under Section 76-5-102;
- 5238 (iv) criminal homicide under Section 76-5-201;
- 5239 (v) harassment under Section 76-5-106;
- 5240 (vi) electronic communication harassment under Section 76-9-201;
- 5241 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,
- 5242 76-5-301.1, and 76-5-302;
- 5243 (viii) mayhem under Section 76-5-105;
- 5244 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9
- 5245 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual
- 5246 exploitation of a minor and aggravated sexual exploitation of a minor, as
- 5247 described in Sections 76-5b-201 and 76-5b-201.1;
- 5248 (xi) stalking under Section 76-5-106.5;
- 5249 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;
- 5250 (xiii) violation of a protective order or ex parte protective order under Section
- 5251 76-5-108;
- 5252 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property
- 5253 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title
- 5254 76, Chapter 6, Part 3, Robbery;
- 5255 (xv) possession of a deadly weapon with criminal intent under Section 76-10-507;
- 5256 (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of any
- 5257 person, building, or vehicle under Section 76-10-508;
- 5258 (xvii) disorderly conduct under Section 76-9-102, if a conviction or adjudication of
- 5259 disorderly conduct is the result of a plea agreement in which the perpetrator was
- 5260 originally charged with a domestic violence offense otherwise described in this
- 5261 Subsection (4), except that a conviction or adjudication of disorderly conduct as a
- 5262 domestic violence offense, in the manner described in this Subsection [(4)(p)]
- 5263 (4)(b), does not constitute a misdemeanor crime of domestic violence under 18
- 5264 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921

- 5265 et seq.;
- 5266 (xviii) child abuse under Section 76-5-114;
- 5267 (xix) threatening use of a dangerous weapon under Section 76-10-506;
- 5268 (xx) threatening violence under Section 76-5-107;
- 5269 (xxi) tampering with a witness under Section 76-8-508;
- 5270 (xxii) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 5271 (xxiii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5272 (xxiv) unlawful distribution of an intimate image under Section 76-5b-203;
- 5273 (xxv) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
- 5274 (xxvi) sexual battery under Section 76-9-702.1;
- 5275 (xxvii) voyeurism under Section 76-9-702.7;
- 5276 (xxviii) damage to or interruption of a communication device under Section 76-6-108;
- 5277 or
- 5278 (xxix) an offense under Subsection 78B-7-806(1).
- 5279 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 5280 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 5281 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 5282 (8) "Married and living together" means a couple whose marriage was solemnized under
- 5283 Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 5284 (9) "Not married" means any living arrangement other than married and living together,
- 5285 divorced, or separated.
- 5286 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 5287 (11) "Pretrial protective order" means a written order:
- 5288 (a) specifying and limiting the contact a person who has been charged with a domestic
- 5289 violence offense may have with an alleged victim or other specified individuals; and
- 5290 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
- 5291 pending trial in the criminal case.
- 5292 (12) "Sentencing protective order" means a written order of the court as part of sentencing
- 5293 in a domestic violence case that limits the contact an individual who is convicted or
- 5294 adjudicated of a domestic violence offense may have with a victim or other specified
- 5295 individuals under Section 78B-7-804.
- 5296 (13) "Separated" means a couple who have had their marriage solemnized under Section
- 5297 81-2-305 or 81-2-407 and who are not living in the same residence.
- 5298 (14) "Victim" means a cohabitant who has been subjected to domestic violence.

5299 Section 59. Section **77-40a-303** is amended to read:

5300 **77-40a-303 . Requirements for a certificate of eligibility to expunge records of a**
5301 **conviction.**

5302 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a
5303 certificate of eligibility from the bureau to expunge the records of a conviction if:

5304 (a) the petitioner has paid in full all fines and interest ordered by the court related to the
5305 conviction for which expungement is sought;

5306 (b) the petitioner has paid in full all restitution ordered by the court under Section
5307 77-38b-205; and

5308 (c) the following time periods have passed after the day on which the petitioner was
5309 convicted or released from incarceration, parole, or probation, whichever occurred
5310 last, for the conviction that the petitioner seeks to expunge:

5311 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);

5312 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a
5313 controlled substance in an individual's body and causing serious bodily injury or death, as
5314 codified before May 4, 2022, Laws of Utah 2021,
5315 Chapter 236, Section 1, Subsection 58-37-8(2)(g);

5316 (iii) seven years for the conviction of a felony;

5317 (iv) five years for the conviction of a drug possession offense that is a felony;

5318 (v) five years for the conviction of a class A misdemeanor;

5319 (vi) four years for the conviction of a class B misdemeanor; or

5320 (vii) three years for the conviction of a class C misdemeanor or infraction.

5321 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to
5322 expunge the records of a conviction under Subsection (1) if:

5323 (a) except as provided in Subsection (3), the conviction for which expungement is
5324 sought is:

5325 (i) a capital felony;

5326 (ii) a first degree felony;

5327 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5
5328 (1)(c)(i);

5329 (iv) a felony conviction described in Subsection 41-6a-501(2);

5330 (v) an offense, or a combination of offenses, that would require the individual to
5331 register as a sex offender, as defined in Section 77-41-102; or

5332 (vi) a registerable child abuse offense as defined in Subsection 77-41-102(1);

- 5333 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against
5334 the petitioner, unless the criminal proceeding is for a traffic offense;
- 5335 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the
5336 petitioner, unless the plea in abeyance is for a traffic offense;
- 5337 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the
5338 petitioner is on probation or parole for an infraction, a traffic offense, or a minor
5339 regulatory offense;
- 5340 (e) the petitioner intentionally or knowingly provides false or misleading information on
5341 the application for a certificate of eligibility;
- 5342 (f) there is a criminal protective order or a criminal stalking injunction in effect for the
5343 case; or
- 5344 (g) the bureau determines that the petitioner's criminal history makes the petitioner
5345 ineligible for a certificate of eligibility under Subsection (4) or (5).
- 5346 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as
5347 defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed
5348 the offense was at least 14 years old but under 18 years old, unless the petitioner was
5349 convicted by a district court as an adult in accordance with [~~Title 80, Chapter 6, Part 5,~~
5350 ~~Transfer to District Court~~] Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 5351 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate
5352 of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
5353 determines that the petitioner's criminal history, including previously expunged
5354 convictions, contains any of the following:
- 5355 (a) two or more felony convictions other than for drug possession offenses, each of
5356 which is contained in a separate criminal episode;
- 5357 (b) any combination of three or more convictions other than for drug possession offenses
5358 that include two class A misdemeanor convictions, each of which is contained in a
5359 separate criminal episode;
- 5360 (c) any combination of four or more convictions other than for drug possession offenses
5361 that include three class B misdemeanor convictions, each of which is contained in a
5362 separate criminal episode; or
- 5363 (d) five or more convictions other than for drug possession offenses of any degree
5364 whether misdemeanor or felony, each of which is contained in a separate criminal
5365 episode.
- 5366 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of

- 5367 eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
5368 determines that the petitioner's criminal history, including previously expunged
5369 convictions, contains any of the following:
- 5370 (a) three or more felony convictions for drug possession offenses, each of which is
5371 contained in a separate criminal episode; or
- 5372 (b) any combination of five or more convictions for drug possession offenses, each of
5373 which is contained in a separate criminal episode.
- 5374 (6) If the petitioner's criminal history contains convictions for both a drug possession
5375 offense and a non-drug possession offense arising from the same criminal episode, the
5376 bureau shall count that criminal episode as a conviction under Subsection (4) if any
5377 non-drug possession offense in that episode:
- 5378 (a) is a felony or class A misdemeanor; or
- 5379 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug
5380 possession offense in that episode.
- 5381 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on
5382 which the petitioner was convicted or released from incarceration, parole, or probation,
5383 whichever occurred last, for all convictions:
- 5384 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by
5385 one; and
- 5386 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if
5387 the highest level of convicted offense in the criminal episode is:
- 5388 (i) a class B misdemeanor;
- 5389 (ii) a class C misdemeanor;
- 5390 (iii) a drug possession offense if none of the non-drug possession offenses in the
5391 criminal episode are a felony or a class A misdemeanor; or
- 5392 (iv) an infraction.
- 5393 (8) When determining whether a petitioner is eligible for a certificate of eligibility under
5394 Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or
5395 prior conviction for:
- 5396 (a) an infraction;
- 5397 (b) a traffic offense;
- 5398 (c) a minor regulatory offense; or
- 5399 (d) a clean slate eligible case that was automatically expunged.
- 5400 (9) If the petitioner received a pardon before May 14, 2013, from the Utah Board of

5401 Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned
5402 crimes in accordance with Section 77-27-5.1.

5403 Section 60. Section **78A-6-103** is amended to read:

5404 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**
5405 **Findings -- Transfer of a case from another court.**

5406 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:

5407 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
5408 state, or federal law, that was committed by a child;

5409 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
5410 state, or federal law, that was committed by an individual:

5411 (i) who is under 21 years old at the time of all court proceedings; and

5412 (ii) who was under 18 years old at the time the offense was committed; and

5413 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,
5414 that was committed:

5415 (i) by an individual:

5416 (A) who was 18 years old and enrolled in high school at the time of the offense;
5417 and

5418 (B) who is under 21 years old at the time of all court proceedings; and

5419 (ii) on school property where the individual was enrolled:

5420 (A) when school was in session; or

5421 (B) during a school-sponsored activity, as defined in Section 53G-8-211.

5422 (2) The juvenile court has original jurisdiction over:

5423 (a) any proceeding concerning:

5424 (i) a child who is an abused child, neglected child, or dependent child;

5425 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
5426 Child Protective Orders;

5427 (iii) the appointment of a guardian of the individual or other guardian of a minor who
5428 comes within the court's jurisdiction under other provisions of this section;

5429 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
5430 Emancipation;

5431 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
5432 Termination and Restoration of Parental Rights, including termination of residual
5433 parental rights and duties;

5434 (vi) the treatment or commitment of a minor who has an intellectual disability;

- 5435 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
5436 accordance with Section 81-2-304;
- 5437 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
5438 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
5439 (x) the treatment or commitment of a child with a mental illness;
- 5440 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
5441 Section 26B-5-204;
- 5442 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
5443 Part 4, Competency;
- 5444 (xiii) de novo review of final agency actions resulting from an informal adjudicative
5445 proceeding as provided in Section 63G-4-402;
- 5446 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
5447 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered
5448 an order terminating the rights of a parent and finds that adoption is in the best
5449 interest of the child;
- 5450 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
5451 Division of Juvenile Justice and Youth Services if, despite earnest and persistent
5452 efforts by the Division of Juvenile Justice and Youth Services, the child has
5453 demonstrated that the child:
- 5454 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
5455 that the child's behavior or condition endangers the child's own welfare or the
5456 welfare of others; or
- 5457 (B) has run away from home; and
- 5458 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
5459 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for
5460 failure to comply with a promise to appear and bring a child to the juvenile court;
- 5461 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
5462 Expungement;
- 5463 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 5464 (d) a petition for special findings under Section 80-3-305; and
- 5465 (e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.
- 5466 (3) The juvenile court does not have original jurisdiction over an offense committed by a
5467 minor as described in Subsection (1) if:
- 5468 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;

- 5469 (b) the district court has original jurisdiction over the offense under Subsection
 5470 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense
 5471 under Section 78A-6-103.5; or
- 5472 (c) the justice court has original jurisdiction over the offense under Subsection
 5473 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense
 5474 under Section 78A-6-103.5.
- 5475 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law
 5476 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
 5477 (2)(a)(xvi), (b), or (c).
- 5478 (5) This section does not restrict the right of access to the juvenile court by private agencies
 5479 or other persons.
- 5480 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising
 5481 under [~~Title 80, Chapter 6, Part 5, Transfer to District Court~~] Title 80, Chapter 6, Part 5,
 5482 Minor Tried as an Adult.
- 5483 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated,
 5484 or without merit, in accordance with Section 80-3-404.
- 5485 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
 5486 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.
- 5487 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in
 5488 Subsection 78B-7-303(8).

5489 Section 61. Section **78B-5-618** is amended to read:

5490 **78B-5-618 . Patient access to medical records -- Third-party access to medical**
 5491 **records -- Medical records services -- Fees -- Standard form.**

- 5492 (1) As used in this section:
- 5493 (a) "Force majeure event" means an event or circumstance beyond the control of the
 5494 health care provider or the health care provider's third-party service, including fires,
 5495 floods, earthquakes, acts of God, lockouts, ransomware, or strikes.
- 5496 (b) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 5497 (c) "History of poor payment" means three or more invoices where payment is more
 5498 than 30 days late within a 12-month period.
- 5499 (d) "Indigent individual" means an individual whose household income is at or below
 5500 100% of the federal poverty level as defined in Section 26B-3-113.
- 5501 (e) "Inflation" means the unadjusted Consumer Price Index, as published by the Bureau
 5502 of Labor Statistics of the United States Department of Labor, that measures the

- 5503 average changes in prices of goods and services purchased by urban wage earners
5504 and clerical workers.
- 5505 (f) "Payment and balance information" means:
- 5506 (i) all payments the health care provider has received for providing health care to the
5507 patient; and
- 5508 (ii) the total balance owed to the health care provider for providing the health care to
5509 the patient.
- 5510 (g) "Qualified claim or appeal" means a claim or appeal under any:
- 5511 (i) provision of the Social Security Act as defined in Section 67-11-2; or
5512 (ii) federal or state financial needs-based benefit program.
- 5513 (h) "Third-party service" means a service that has entered into a contract with a health
5514 care provider to provide patient records on behalf of a health care provider.
- 5515 (2) Pursuant to Standards for Privacy of Individually Identifiable Health Information, 45
5516 C.F.R., Parts 160 and 164, a patient or a patient's personal representative may inspect or
5517 receive a copy of the patient's records from a health care provider when that health care
5518 provider is governed by the provisions of 45 C.F.R., Parts 160 and 164.
- 5519 (3) When a health care provider is not governed by Standards for Privacy of Individually
5520 Identifiable Health Information, 45 C.F.R., Parts 160 and 164, a patient or a patient's
5521 personal representative may inspect or receive a copy of the patient's records unless
5522 access to the records is restricted by law or judicial order.
- 5523 (4) A health care provider who provides a paper or electronic copy of a patient's records to
5524 the patient or the patient's personal representative:
- 5525 (a) shall provide the copy within the deadlines required by the Health Insurance
5526 Portability and Accountability Act of 1996, Administrative Simplification rule, 45
5527 C.F.R. Sec. 164.524(b); and
- 5528 (b) may charge a reasonable cost-based fee provided that the fee includes only the cost
5529 of:
- 5530 (i) copying, including the cost of supplies for and labor of copying; and
5531 (ii) postage, when the patient or patient's personal representative has requested the
5532 copy be mailed.
- 5533 (5)(a) Except for records provided under Section 26B-8-411, a health care provider or a
5534 health care provider's third-party service that provides a copy of a patient's records to
5535 a patient's attorney, legal representative, or other third party authorized to receive
5536 records:

- 5537 (i) shall provide the copy within 30 days after receipt of notice;
- 5538 (ii) may charge a reasonable fee for paper or electronic copies, but may not exceed
- 5539 the following rates:
- 5540 (A) \$30 per request for locating a patient's records;
- 5541 (B) reproduction charges may not exceed 53 cents per page for the first 40 pages
- 5542 and 32 cents per page for each additional page;
- 5543 (C) the cost of postage when the requester has requested the copy be mailed;
- 5544 (D) if requested, the person fulfilling the request will certify the record as a
- 5545 duplicate of the original for a fee of \$20; and
- 5546 (E) any sales tax owed under Title 59, Chapter 12, Sales and Use Tax Act; and
- 5547 (iii) may charge an expedition fee of \$20 if:
- 5548 (A) the requester's notice explicitly requests an expedited response; and
- 5549 (B) the person fulfilling the request postmarks or otherwise makes the record
- 5550 available electronically within 15 days from the day the person fulfilling the
- 5551 request receives notice of the request.
- 5552 (b) Notwithstanding the provisions of Subsection (5)(a)(ii) and subject to Subsection
- 5553 (5)(c), in the event the requested records are not postmarked or otherwise made
- 5554 available electronically by the person fulfilling the request:
- 5555 (i) within 30 days after the day on which notice is received by the person fulfilling
- 5556 the request, the person fulfilling the request shall waive 50% of the fee; or
- 5557 (ii) within 60 days after the day on which notice is received by the person fulfilling
- 5558 the request, the person fulfilling the request shall provide the requested records
- 5559 free of charge to the requester.
- 5560 (c) Performance under Subsection (5)(b) shall be extended in accordance with
- 5561 Subsection (5)(d) if the person fulfilling the request notifies the requester of:
- 5562 (i) the occurrence of a force majeure event within 10 days from the day:
- 5563 (A) the force majeure event occurs; or
- 5564 (B) the person fulfilling the request receives notice of the request; and
- 5565 (ii) the termination of the force majeure event within 10 days from the day the force
- 5566 majeure event terminates.
- 5567 (d) In accordance with Subsection (5)(c), for a force majeure event:
- 5568 (i) that lasts less than eight days, the person fulfilling the request shall, if the records
- 5569 are not postmarked or otherwise made available electronically within:
- 5570 (A) 30 days of the day the force majeure event ends, waive 50% of the fee for

- 5571 providing the records; and
- 5572 (B) 60 days of the day the force majeure event ends, waive the entire fee for
- 5573 providing the records;
- 5574 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request
- 5575 shall, if the records are not postmarked or otherwise made available electronically
- 5576 within:
- 5577 (A) 60 days of the day the force majeure event ends, waive 50% of the fee for
- 5578 providing the records; and
- 5579 (B) 90 days of the day the force majeure event ends, waive the entire fee for
- 5580 providing the records; and
- 5581 (iii) that lasts more than 30 days, the person fulfilling the request shall, if the records
- 5582 are not postmarked or otherwise made available electronically within:
- 5583 (A) 90 days of the day the force majeure event ends, waive 50% of the fee for
- 5584 providing the records; and
- 5585 (B) 120 days of the day the force majeure event ends, waive the entire fee for
- 5586 providing the records.
- 5587 (e)(i) A third-party service may require prepayment before sending records for a
- 5588 request under this Subsection (5) if the third-party service:
- 5589 (A) determines the requester has a history of poor payment; and
- 5590 (B) notifies the requester, within the time periods described in Subsections
- 5591 (5)(b)(i) and (ii), that the records will be sent as soon as the request has been
- 5592 prepaid.
- 5593 (ii) The fee reductions described in Subsection (5)(d) do not apply if a third-party
- 5594 service complies with Subsection (5)(e)(i).
- 5595 (f) If a third-party service does not possess or have access to the data necessary to fulfill
- 5596 a request, the third-party service shall notify:
- 5597 (i) the requester that the request cannot be fulfilled; and
- 5598 (ii) state the reasons for the third-party service's inability to fulfill the request within
- 5599 30 days from the day on which the request is received by the third-party service.
- 5600 (g) A patient's attorney, legal representative, or other third party authorized to receive
- 5601 records may request patient records directly from a third-party service.
- 5602 (6)(a) A separate notice of request for payment and balance information shall:
- 5603 (i) clearly indicate that the request is only for payment and balance information; and
- 5604 (ii) indicate the name, telephone number, email address, and address of the requester.

- 5605 (b) A health care provider or third-party service fulfilling a request for payment and
5606 balance information from a patient's attorney, legal representative, or other
5607 third-party representative, shall fulfill the request within 30 days after the day on
5608 which notice is received by the health care provider or by the third-party service,
5609 whichever is fulfilling the request, by:
- 5610 (i) mailing a postmarked copy of the information to the requester; or
5611 (ii) providing the information electronically or telephonically.
- 5612 (c) A health care provider or third-party service that is responsible for fulfilling a request
5613 for payment and balance information but fails to:
- 5614 (i) fulfill the request within 30 days, in accordance with Subsection (6)(b), shall pay,
5615 as a penalty, \$50; and
5616 (ii) fulfill the request within 60 days shall pay, as a penalty, an additional \$150.
- 5617 (d) A health care provider or third-party service obligated to pay a penalty under
5618 Subsection (6)(c) shall pay the amount owed:
- 5619 (i) to reduce any amount the patient owes to the health care provider for the provision
5620 of health care, after any third-party obligations to pay, if the amount owed is more
5621 than the penalty;
- 5622 (ii) directly to the patient, if the requested payment and balance information reflects
5623 that the patient owes no amount to the health care provider for the provision of
5624 health care services; or
5625 (iii) allocated between:
- 5626 (A) a payment to satisfy the amount the patient owes to the health care provider
5627 for the provision of health care, as indicated on the payment and balance
5628 information; and
5629 (B) a payment in the amount of any remaining penalty obligation to the patient.
- 5630 (e) A third-party service may satisfy any obligation to pay a penalty under Subsection
5631 (6)(c) by remitting the penalty amount to the health care provider to be allocated in
5632 accordance with Subsection (6)(d).
- 5633 (7) A health care provider or third-party service shall, if the health care provider or the
5634 third-party service responding to a request for payment and balance information is
5635 unable to comply with Subsection (6)(b), provide a written response that includes:
- 5636 (a) contact information, if known, for the individual who the requester may contact to
5637 fulfill the request; and
5638 (b) the reason for not complying with Subsection (6)(b).

- 5639 (8)(a) Subject to Subsection (8)(b), a health care provider that contracts with a
5640 third-party service to fulfill the health care provider's medical record requests shall
5641 file a statement with the Division of Professional Licensing containing:
- 5642 (i) the name of the third-party service;
 - 5643 (ii) the phone number of the third-party service;
 - 5644 (iii) the fax number, email address, website portal address, if applicable, and mailing
5645 address for the third-party service where medical record requests can be sent for
5646 fulfillment; and
 - 5647 (iv) beginning January 1, 2025, whether the third-party service is authorized to fulfill
5648 requests for patient medical records for patient payment and balance information.
- 5649 (b) If an individual health care provider is an employee or contractor of an organization
5650 that is a health care provider and that contracts with a third-party service to fulfill the
5651 medical record requests for the individual health care provider, the organization may
5652 file the statement under Subsection (8)(a) on behalf of the organization's employees
5653 and contractors.
- 5654 (c) A health care provider described in Subsection (8)(a) shall update the filing
5655 described in Subsection (8)(a) as necessary to ensure that the information is accurate.
- 5656 (d) The Division of Professional Licensing shall develop a form for a health care
5657 provider to complete that provides the information required by Subsection (8)(a).
- 5658 (e) The Division of Professional Licensing shall:
- 5659 (i) maintain an index of statements described in Subsection (8)(a) arranged
5660 alphabetically by entity; and
 - 5661 (ii) make the index available to the public electronically on the Division of
5662 Professional Licensing's website.
- 5663 (9) A health care provider or the health care provider's third-party service shall deliver the
5664 medical records in the electronic medium customarily used by the person fulfilling the
5665 request or in a universally readable image such as portable document format:
- 5666 (a) if the patient, patient's personal representative, or a third party authorized to receive
5667 the records requests the records be delivered in an electronic medium; and
 - 5668 (b) the original medical record is readily producible in an electronic medium.
- 5669 (10)(a) Except as provided in Subsections (10)(b) through (d), the per page fee in
5670 Subsections (4) and (5) applies to medical records reproduced electronically or on
5671 paper.
- 5672 (b) The per page fee for producing a copy of records in an electronic medium shall be

5673 50% of the per page fee otherwise provided in this section, regardless of whether the
5674 original medical records are stored in electronic format.

5675 (c)(i) A health care provider or a health care provider's third-party service shall
5676 deliver the medical records in the electronic medium customarily used by the
5677 health care provider or the health care provider's third-party service or in a
5678 universally readable image, such as portable document format, if the patient,
5679 patient's personal representative, patient's attorney, legal representative, or a third
5680 party authorized to receive the records, requests the records be delivered in an
5681 electronic medium.

5682 (ii) A person fulfilling the request under Subsection (10)(c)(i):

5683 (A) shall provide the requested information within 30 days; and

5684 (B) may not charge a fee for the electronic copy that exceeds \$150 regardless of
5685 the number of pages and regardless of whether the original medical records are
5686 stored in electronic format.

5687 (d) Subject to Subsection (10)(e), in the event the requested records under Subsection
5688 (10)(c)(i) are not postmarked or otherwise made available electronically by the
5689 person fulfilling the request:

5690 (i) within 30 days after the day notice is received by the person fulfilling the request,
5691 the person fulfilling the request may not charge a fee for the electronic copy that
5692 exceeds \$75 regardless of the number of pages and regardless of whether the
5693 original medical records are stored in electronic format; or

5694 (ii) within 60 days after the day notice is received by the person fulfilling the request,
5695 the person fulfilling the request shall provide the requested records free of charge
5696 to the requester.

5697 (e) Performance under Subsection (10)(d) shall be extended in accordance with
5698 Subsection (10)(f) if the person fulfilling the request notifies the requester of:

5699 (i) the occurrence of a force majeure event within 10 days from the day:

5700 (A) the force majeure event occurs; or

5701 (B) the person fulfilling the request receives notice of the request; and

5702 (ii) the termination of the force majeure event within 10 days from the day the force
5703 majeure event terminates.

5704 (f) In accordance with Subsection (10)(e), for a force majeure event:

5705 (i) that lasts less than eight days, the person fulfilling the request, if the records are
5706 not postmarked or otherwise made available electronically within:

- 5707 (A) 30 days of the day the force majeure event ends, may not charge a fee for an
5708 electronic copy that exceeds \$75 regardless of the number of pages and
5709 regardless of whether the original medical records are stored in electronic
5710 format; and
- 5711 (B) 60 days of the day the force majeure event ends, shall waive the entire fee for
5712 providing the records;
- 5713 (ii) that lasts at least eight days but less than 30 days, the person fulfilling the request,
5714 if the records are not postmarked or otherwise made available electronically
5715 within:
- 5716 (A) 60 days of the day the force majeure event ends, may not charge a fee for an
5717 electronic copy that exceeds \$75 regardless of the number of pages and
5718 regardless of whether the original medical records are stored in electronic
5719 format; and
- 5720 (B) 90 days of the day the force majeure event ends, shall waive the entire fee for
5721 providing the records; and
- 5722 (iii) that lasts more than 30 days, the person fulfilling the request, if the records are
5723 not postmarked or otherwise made available electronically within:
- 5724 (A) 90 days of the day the force majeure event ends, may not charge a fee for an
5725 electronic copy that exceeds \$75 regardless of the number of pages and
5726 regardless of whether the original medical records are stored in electronic
5727 format; and
- 5728 (B) 120 days of the day the force majeure event ends, shall waive the entire fee for
5729 providing the records.
- 5730 (11)(a) On January 1 of each year, the state treasurer shall adjust the following fees for
5731 inflation:
- 5732 (i) the fee for providing patient's records under Subsections [~~(5)(a)(iii)(A)~~]
5733 ~~(5)(a)(ii)(A)~~ and (B); and
- 5734 (ii) the maximum amount that may be charged for an electronic copy under
5735 Subsection (10)(c)(ii)(B).
- 5736 (b) On or before January 30 of each year, the state treasurer shall:
- 5737 (i) certify the inflation-adjusted fees and maximum amounts calculated under this
5738 section; and
- 5739 (ii) notify the Administrative Office of the Courts of the information described in
5740 Subsection (11)(b)(i) for posting on the court's website.

- 5741 (12) Notwithstanding Subsections (4) through (8), if a request for a medical record is
 5742 accompanied by documentation of a qualified claim or appeal, a health care provider or
 5743 the health care provider's third-party service:
- 5744 (a) may not charge a fee for the first copy of the record for each date of service that is
 5745 necessary to support the qualified claim or appeal in each calendar year;
- 5746 (b) for a second or subsequent copy in a calendar year of a date of service that is
 5747 necessary to support the qualified claim or appeal, may charge a reasonable fee that
 5748 may not:
- 5749 (i) exceed 60 cents per page for paper photocopies;
- 5750 (ii) exceed a reasonable cost for copies of X-ray photographs and other health care
 5751 records produced by similar processes;
- 5752 (iii) include an administrative fee or additional service fee related to the production of
 5753 the medical record; or
- 5754 (iv) exceed the fee provisions for an electronic copy under Subsection (10)(c); and
- 5755 (c) shall provide the health record within 30 days after the day on which the request is
 5756 received by the health care provider.
- 5757 (13)(a) Except as otherwise provided in Subsections (4) through (8), a health care
 5758 provider or the health care provider's third-party service shall waive all fees under
 5759 this section for an indigent individual.
- 5760 (b) A health care provider or the health care provider's third-party service may require
 5761 the indigent individual or the indigent individual's authorized representative to
 5762 provide proof that the individual is an indigent individual by executing an affidavit.
- 5763 (c)(i) An indigent individual that receives copies of a medical record at no charge
 5764 under this Subsection (13) is limited to one copy for each date of service for each
 5765 health care provider, or the health care provider's third-party service, in each
 5766 calendar year.
- 5767 (ii) Any request for additional copies in addition to the one copy allowed under
 5768 Subsection (13)(c) is subject to the fee provisions described in Subsection (12).
- 5769 (14) By January 1, 2023, a health care provider and all of the health care provider's
 5770 contracted third party health related services shall accept a properly executed form
 5771 described in Section 26B-8-514.
- 5772 Section 62. Section **78B-6-501** is amended to read:
- 5773 **78B-6-501 . Eminent domain -- Uses for which right may be exercised --**
 5774 **Limitations on eminent domain.**

- 5775 (1) As used in this section:
- 5776 (a) "Century farm" means real property that is:
- 5777 (i) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and
- 5778 (ii) owned or held by the same family for a continuous period of 100 years or more.
- 5779 (b) "Mineral or element" means the same as that term is defined in Section 65A-17-101.
- 5780 (c)(i) "Mining use" means:
- 5781 (A) the full range of permitted or active activities, from prospecting and
- 5782 exploration to reclamation and closure, associated with the exploitation of a
- 5783 mineral deposit; and
- 5784 (B) the use of the surface, subsurface, groundwater, and surface water of an area
- 5785 in connection with the activities described in Subsection (1)(c)(i)(A) that have
- 5786 been, are being, or will be conducted.
- 5787 (ii) "Mining use" includes, whether conducted on-site or off-site:
- 5788 (A) sampling, staking, surveying, exploration, or development activity;
- 5789 (B) drilling, blasting, excavating, or tunneling;
- 5790 (C) the removal, transport, treatment, deposition, and reclamation of overburden,
- 5791 development rock, tailings, and other waste material;
- 5792 (D) the recovery of sand and gravel;
- 5793 (E) removal, transportation, extraction, beneficiation, or processing of ore;
- 5794 (F) use of solar evaporation ponds and other facilities for the recovery of minerals
- 5795 in solution;
- 5796 (G) smelting, refining, autoclaving, or other primary or secondary processing
- 5797 operation;
- 5798 (H) the recovery of any mineral left in residue from a previous extraction or
- 5799 processing operation;
- 5800 (I) a mining activity that is identified in a work plan or permitting document;
- 5801 (J) the use, operation, maintenance, repair, replacement, construction, or alteration
- 5802 of a building, structure, facility, equipment, machine, tool, or other material or
- 5803 property that results from or is used in a surface or subsurface mining operation
- 5804 or activity;
- 5805 (K) an accessory, incidental, or ancillary activity or use, both active and passive,
- 5806 including a utility, private way or road, pipeline, land excavation, working,
- 5807 embankment, pond, gravel excavation, mining waste, conveyor, power line,
- 5808 trackage, storage, reserve, passive use area, buffer zone, and power production

- 5809 facility;
- 5810 (L) the construction of a storage, factory, processing, or maintenance facility; and
- 5811 (M) an activity described in Subsection [~~40-8-4(17)(a)~~] 40-8-4(19)(a).
- 5812 (2) Except as provided in Subsections (3), (4), and (5) and subject to the provisions of this
- 5813 part, the right of eminent domain may be exercised on behalf of the following public
- 5814 uses:
- 5815 (a) all public uses authorized by the federal government;
- 5816 (b) public buildings and grounds for the use of the state, and all other public uses
- 5817 authorized by the Legislature;
- 5818 (c)(i) public buildings and grounds for the use of any county, city, town, or board of
- 5819 education;
- 5820 (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or
- 5821 sewage, including to or from a development, for the use of the inhabitants of any
- 5822 county, city, or town, or for the draining of any county, city, or town;
- 5823 (iii) the raising of the banks of streams, removing obstructions from streams, and
- 5824 widening, deepening, or straightening their channels;
- 5825 (iv) bicycle paths and sidewalks adjacent to paved roads;
- 5826 (v) roads, byroads, streets, and alleys for public vehicular use, including for access to
- 5827 a development; and
- 5828 (vi) all other public uses for the benefit of any county, city, or town, or its inhabitants;
- 5829 (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and
- 5830 turnpike roads, roads for transportation by traction engines or road locomotives,
- 5831 roads for logging or lumbering purposes, and railroads and street railways for public
- 5832 transportation;
- 5833 (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes for
- 5834 the supplying of persons, mines, mills, smelters or other works for the reduction of
- 5835 ores, with water for domestic or other uses, or for irrigation purposes, or for the
- 5836 draining and reclaiming of lands, or for solar evaporation ponds and other facilities
- 5837 for the recovery of minerals or elements in solution;
- 5838 (f)(i) roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places
- 5839 to access or facilitate the milling, smelting, or other reduction of ores, or the
- 5840 working of mines, quarries, coal mines, or mineral deposits including oil, gas, and
- 5841 minerals or elements in solution;
- 5842 (ii) outlets, natural or otherwise, for the deposit or conduct of tailings, refuse or water

- 5843 from mills, smelters or other works for the reduction of ores, or from mines,
5844 quarries, coal mines or mineral deposits including minerals or elements in solution;
5845 (iii) mill dams;
5846 (iv) gas, oil or coal pipelines, tanks or reservoirs, including any subsurface stratum or
5847 formation in any land for the underground storage of natural gas, and in
5848 connection with that, any other interests in property which may be required to
5849 adequately examine, prepare, maintain, and operate underground natural gas
5850 storage facilities;
5851 (v) subject to Subsection (6), solar evaporation ponds and other facilities for the
5852 recovery of minerals in solution; and
5853 (vi) any occupancy in common by the owners or possessors of different mines,
5854 quarries, coal mines, mineral deposits, mills, smelters, or other places for the
5855 reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse
5856 matter;
- 5857 (g) byroads leading from a highway to:
- 5858 (i) a residence; or
5859 (ii) a farm;
- 5860 (h) telecommunications, electric light and electric power lines, sites for electric light and
5861 power plants, or sites for the transmission of broadcast signals from a station licensed
5862 by the Federal Communications Commission in accordance with 47 C.F.R. Part 73
5863 and that provides emergency broadcast services;
- 5864 (i) sewage service for:
- 5865 (i) a city, a town, or any settlement of not fewer than 10 families;
5866 (ii) a public building belonging to the state; or
5867 (iii) a college or university;
- 5868 (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and
5869 storing water for the operation of machinery for the purpose of generating and
5870 transmitting electricity for power, light or heat;
- 5871 (k) cemeteries and public parks; and
- 5872 (l) sites for mills, smelters or other works for the reduction of ores and necessary to their
5873 successful operation, including the right to take lands for the discharge and natural
5874 distribution of smoke, fumes, and dust, produced by the operation of works, provided
5875 that the powers granted by this section may not be exercised in any county where the
5876 population exceeds 20,000, or within one mile of the limits of any city or

5877 incorporated town nor unless the proposed condemner has the right to operate by
 5878 purchase, option to purchase or easement, at least 75% in value of land acreage
 5879 owned by persons or corporations situated within a radius of four miles from the mill,
 5880 smelter or other works for the reduction of ores; nor beyond the limits of the
 5881 four-mile radius; nor as to lands covered by contracts, easements, or agreements
 5882 existing between the condemner and the owner of land within the limit and providing
 5883 for the operation of such mill, smelter, or other works for the reduction of ores; nor
 5884 until an action shall have been commenced to restrain the operation of such mill,
 5885 smelter, or other works for the reduction of ores.

5886 (3) The right of eminent domain may not be exercised on behalf of the following uses:

5887 (a) except as provided in Subsection (2)(c)(iv), trails, paths, or other ways for walking,
 5888 hiking, bicycling, equestrian use, or other recreational uses, or whose primary
 5889 purpose is as a foot path, equestrian trail, bicycle path, or walkway;

5890 (b)(i) a public park whose primary purpose is:

5891 (A) as a trail, path, or other way for walking, hiking, bicycling, or equestrian use;

5892 or

5893 (B) to connect other trails, paths, or other ways for walking, hiking, bicycling, or
 5894 equestrian use; or

5895 (ii) a public park established on real property that is:

5896 (A) a century farm; and

5897 (B) located in a county of the first class.

5898 (4)(a) The right of eminent domain may not be exercised within a migratory bird

5899 production area created on or before December 31, 2020, under Title 23A, Chapter

5900 13, Migratory Bird Production Area, except as follows:

5901 (i) subject to Subsection (4)(b), an electric utility may condemn land within a

5902 migratory bird production area located in a county of the first class only for the
 5903 purpose of installing buried power lines;

5904 (ii) an electric utility may condemn land within a migratory bird production area in a
 5905 county other than a county of the first class to install:

5906 (A) buried power lines; or

5907 (B) a new overhead transmission line that is parallel to and abutting an existing
 5908 overhead transmission line or collocated within an existing overhead
 5909 transmission line right of way; or

5910 (iii) the Department of Transportation may exercise eminent domain for the purpose

- 5911 of the construction of the West Davis Highway.
- 5912 (b) Before exercising the right of eminent domain under Subsection (4)(a)(i), the electric
5913 utility shall demonstrate that:
- 5914 (i) the proposed condemnation would not have an unreasonable adverse effect on the
5915 preservation, use, and enhancement of the migratory bird production area; and
5916 (ii) there is no reasonable alternative to constructing the power line within the
5917 boundaries of a migratory bird production area.
- 5918 (5) If the intended public purpose is for a mining use, a private person may not exercise the
5919 power of eminent domain over property, or an interest in property, that is already used
5920 for a mining use within the boundary of:
- 5921 (a) a permit area, as defined in Section 40-8-4;
- 5922 (b) an area for which a permit has been issued by the Division of Water Quality, as part
5923 of the underground injection control program, under rules made by the Water Quality
5924 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 5925 (c) private property; or
5926 (d) an area under a state or federal lease.
- 5927 (6)(a) For the purpose of solar evaporation ponds and other facilities for the recovery of
5928 minerals or elements in solution on or from the Great Salt Lake, a public use includes
5929 removal or extinguishment, by a state entity, in whole or in part, on Great Salt Lake
5930 Sovereign lands of:
- 5931 (i) a solar evaporation pond;
- 5932 (ii) improvements, property, easements, or rights-of-way appurtenant to a solar
5933 evaporation pond, including a lease hold; or
5934 (iii) other facilities for the recovery of minerals or elements in solution.
- 5935 (b) The public use under this Subsection (6) is in the furtherance of the benefits to public
5936 trust assets attributable to the Great Salt Lake under Section 65A-1-1.
- 5937 Section 63. Section **78B-7-805** is amended to read:
- 5938 **78B-7-805 . Sentencing protective orders and continuous protective orders for an**
5939 **offense that is not domestic violence -- Modification -- Expiration.**
- 5940 (1) Before a perpetrator has been convicted of or adjudicated for an offense that is not
5941 domestic violence is placed on probation, the court may consider the safety and
5942 protection of the victim and any member of the victim's family or household.
- 5943 (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance
5944 with a sentencing protective order that includes:

- 5945 (a) an order enjoining the perpetrator from threatening to commit or committing acts of
5946 domestic violence against the victim or other family or household member;
- 5947 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
5948 otherwise communicating with the victim, directly or indirectly;
- 5949 (c) an order requiring the perpetrator to stay away from the victim's residence, school,
5950 place of employment, and the premises of any of these, or a specified place
5951 frequented regularly by the victim or any designated family or household member;
- 5952 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm
5953 or other specified weapon;
- 5954 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or
5955 possesses; and
- 5956 (f) an order imposing any other condition necessary to protect the victim and any other
5957 designated family or household member or to rehabilitate the perpetrator.
- 5958 (3)(a) If a perpetrator is convicted of an offense that is not domestic violence resulting in
5959 a sentence of imprisonment that is to be served after conviction, the court may issue a
5960 continuous protective order at the time of the conviction or sentencing limiting the
5961 contact between the perpetrator and the victim if the court determines by clear and
5962 convincing evidence that the victim has a reasonable fear of future harm or abuse.
- 5963 (b)(i) The court shall notify the perpetrator of the right to request a hearing.
- 5964 (ii) If the perpetrator requests a hearing under this Subsection (3), the court shall hold
5965 the hearing at the time determined by the court and the continuous protective
5966 order shall be in effect while the hearing is being scheduled and while the hearing
5967 is pending.
- 5968 (c) Except as provided in Subsection (6), a continuous protective order is permanent in
5969 accordance with this Subsection (3)(c) and may include any order described in
5970 Subsection [~~78B-7-804(3)(e)~~] 78B-7-804(3)(d).
- 5971 (4) A continuous protective order issued under this section may be modified or dismissed
5972 only in accordance with Subsection 78B-7-804(4).
- 5973 (5) Except as provided in Subsection (6), in addition to the process of issuing a continuous
5974 protective order described in Subsection (3)(a), a district court may issue a continuous
5975 protective order at any time in accordance with Subsection 78B-7-804(5).
- 5976 (6)(a) Unless the juvenile court transfers jurisdiction of the offense to the district court
5977 under Section 80-6-504, a continuous protective order may not be issued under this
5978 section against a perpetrator who is a minor.

- 5979 (b) Unless the court sets an earlier date for expiration, a sentencing protective order
 5980 issued under this section against a perpetrator who is a minor expires on the earlier of:
 5981 (i) the day on which the juvenile court terminates jurisdiction; or
 5982 (ii) in accordance with Section 80-6-807, the day on which the Division of Juvenile
 5983 Justice and Youth Services discharges the perpetrator.

5984 Section 64. Section **80-6-601** is amended to read:

5985 **80-6-601 . Minors' cases considered civil proceedings -- Minor not to be charged**
 5986 **with crime -- Exception for a prior adjudication -- Traffic violation cases.**

5987 (1) Except as provided in [~~Part 5, Transfer to District Court~~] Part 5, Minor Tried as an Adult,
 5988 a proceeding in a minor's case under this chapter is a civil proceeding with the juvenile
 5989 court exercising equitable powers.

5990 (2)(a) An adjudication by a juvenile court of a minor under this chapter is not considered
 5991 a conviction of a crime, except in cases involving traffic violations.

5992 (b) An adjudication may not:

5993 (i) operate to impose any civil disabilities upon the minor; or

5994 (ii) disqualify the minor for any civil service or military service or appointment.

5995 (3)(a) Except in cases involving traffic violations, and as provided in [~~Part 5, Transfer to~~
 5996 ~~District Court~~] Part 5, Minor Tried as an Adult, a minor may not be charged with a
 5997 crime and convicted in any court.

5998 (b) Except as provided in Section 80-6-504 , if a petition is filed in the juvenile court,
 5999 the minor may not later be subject to criminal prosecution based on the same facts.

6000 (c) Except as provided in Section 80-6-305, an individual may not be subject to a
 6001 proceeding under this chapter for an offense that the individual is alleged to have
 6002 committed before the individual was 12 years old.

6003 (4)(a) An adjudication by a juvenile court of a minor under this chapter is considered a
 6004 conviction for the purposes of determining the level of offense for which a minor
 6005 may be charged and enhancing the level of an offense in the juvenile court.

6006 (b) A prior adjudication may be used to enhance the level or degree of an offense
 6007 committed by an adult only as otherwise specifically provided.

6008 Section 65. Section **80-7-105** is amended to read:

6009 **80-7-105 . Emancipation.**

6010 (1) A minor who is emancipated may:

6011 (a) enter into contracts;

6012 (b) buy and sell property;

- 6013 (c) sue or be sued;
- 6014 (d) retain the minor's own earnings;
- 6015 (e) borrow money for any purpose, including for education; and
- 6016 (f) obtain healthcare without parental consent.
- 6017 (2) A minor who is emancipated may not be considered an adult:
- 6018 (a) under the criminal laws of the state, unless the requirements of [~~Chapter 6, Part 5,~~
- 6019 ~~Transfer to District Court~~] Chapter 6, Part 5, Minor Tried as an Adult, have been met;
- 6020 (b) under the criminal laws of the state when the minor is a victim and the age of the
- 6021 victim is an element of the offense; and
- 6022 (c) for specific constitutional and statutory age requirements regarding voting, use of
- 6023 alcoholic beverages, possession of tobacco or firearms, and other health and safety
- 6024 regulations relevant to the minor because of the minor's age.
- 6025 (3)(a) An order of emancipation prospectively terminates parental responsibilities that
- 6026 accrue based on the minor's status as a minor under the custody and control of a
- 6027 parent, guardian, or custodian, including parental tort liability for the acts of the
- 6028 minor.
- 6029 (b) Nothing in this chapter shall be construed to interfere with the integrity of the family
- 6030 or to minimize the rights of parents or children.

6031 **Section 66. Repealer.**

6032 This bill repeals:

6033 **Section 26-29-2, Purpose of chapter.**

6034 **Section 26-29-3, Basis for standards.**

6035 **Section 26-29-4, Enforcement of chapter.**

6036 **Section 26B-1-305, Department of Health and Human Services Transition Restricted**

6037 **Account.**

6038 **Section 67. Effective Date.**

6039 This bill takes effect on May 7, 2025.

6040 **Section 68. Coordinating H.B. 496 with other 2025 General Session legislation.**

6041 The Legislature intends that, on May 7, 2025, any 2025 General Session legislation

6042 amending the Utah Code that conflicts with amendments made in H.B. 496, Revisor's

6043 Technical Corrections to Utah Code, and that passes and becomes law, supersedes the

6044 conflicting amendments in H.B. 496.